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Items 15 and 116

Integrated and coordinated implementation of and follow-up to the outcomes of the major United Nations conferences and summits in the economic, social and related fields

Follow-up to the outcome of the Millennium Summit

Letter dated 18 September 2015 from the Permanent Representative of Yemen to the United Nations addressed to the Secretary-General

The Republic of Yemen wishes to express the following reservations on the outcome document of the United Nations summit for the adoption of the post-2015 development agenda entitled "Transforming our world: the 2030 Agenda for Sustainable Development":

1. The Republic of Yemen underscores that the content of the 2030 Agenda for Sustainable Development should be interpreted and implemented in a manner consistent with the national legislation and development priorities of countries and their cultural and ethical values and religious background and in line with internationally recognized human rights.

2. In paragraph 19 of the declaration and target 10.2, we do not view the phrase "other status" to apply to sexual orientation, gender identity, same-sex couples or lesbian, gay, bisexual and transgender.

3. With respect to target 3.7, the Republic of Yemen does not join the consensus and:

(a) As for "information and education" in relation to universal access to sexual and reproductive health-care services, they should be age-appropriate and the Republic of Yemen denies that such a reference may be defined to include "comprehensive sexuality education". The Republic of Yemen further reaffirms that the "prior right" of parents to choose the kind of education given to their children, a right recognized in the Universal Declaration of Human Rights, must be respected;

(b) The use of the terms "information" and "education", in relation to universal access to sexual and reproductive health-care services, cannot imply any right of young children or adolescents to access any service without regard to parental responsibility, or the obligation to provide them with information and services that are neither lawful nor acceptable at the national level.

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4. With respect to target 5.4, the Republic of Yemen understands "within the household" only as defined in reference to "the family". The family, founded on the marriage of a man and a woman, is the natural and fundamental group unit of society.

5. With respect to target 5.6, the Republic of Yemen wishes to express a reservation on all terms and all possible interpretations in the document that are in contravention of our national laws. Target 5.6 or any other provision of the 2030 Agenda for Sustainable Development, its implementation or interpretation, shall in no case refer to or imply the concepts of sexual orientation, gender identity, same-sex couples, lesbian, gay, bisexual and transgender or abortion.

6. We understand the word "gender" throughout the document to refer only to "male and female".

7. The use of the terms "sexual and reproductive health" and "reproductive rights" and related terms throughout the 2030 Agenda for Sustainable Development does not create or presume the existence of a "right to abortion".

8. Therefore, the Republic of Yemen will not accept at any point any policies, monitoring, evaluation or reporting on any provision of the 2030 Agenda for Sustainable Development that will include or tend to include, explicitly or implicitly, the concepts of sexual orientation, gender identity, same-sex couples, lesbian, gay, bisexual and transgender or abortion.

9. In the same vein, the Republic of Yemen stresses that indicators for tracking progress on the agreed goals and targets should not invade national policy space or contradict national priorities on the above-mentioned concepts, in accordance with Article 2 of the Charter of the United Nations.

10. The Republic of Yemen is of the view that the 2030 Agenda for Sustainable Development and all international instruments relating to human rights and international law reflected therein are not intended to standardize the cultural values of peoples around the globe. Thus, the Republic of Yemen will implement and interpret the 2030 Agenda for Sustainable Development in full accordance with our national legislation and the ethical, cultural and religious values and convictions of our society and in line with internationally recognized human rights.

I would be grateful if the text of the present letter could be circulated as a document of the General Assembly, under agenda items 15 and 116.

(*Signed*) Khaled H. **Alyemany**
Ambassador
Permanent Representative

United Nations A/70/403

General Assembly

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30 September 2015

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Seventieth session
Agenda item 134
Proposed programme budget for the biennium 2016-2017

Request for a subvention to the Extraordinary Chambers in the Courts of Cambodia

Report of the Secretary-General

Summary

In his previous report on the Khmer Rouge trials (A/69/536), the Secretary-General identified important progress made in the judicial work across all sets of proceedings before the Extraordinary Chambers in the Courts of Cambodia. The Secretary-General also highlighted the continuing financial challenges facing both the international and national components of the Extraordinary Chambers and requested the approval of a subvention of up to $28,983,200 for the period from 1 January to 31 December 2015.

By its resolution 69/274 A, the General Assembly authorized the Secretary-General, as an exceptional measure, to enter into commitments in an amount not to exceed $12.1 million to supplement the voluntary financial resources of the international component of the Extraordinary Chambers for the period from 1 January to 31 December 2015. The Assembly requested the Secretary-General to report on the use of commitment authority in the context of the second performance report on the programme budget for the biennium 2014-2015.

In the present report, the Secretary-General provides details on the judicial progress achieved by the Extraordinary Chambers since his previous report, provides a projection regarding the anticipated use of the approved commitment authority for 2015, provides information on the estimated budget of the Extraordinary Chambers for 2016 and 2017 and seeks the Assembly's approval of an appropriation for a subvention for the international component of the Extraordinary Chambers in the amount of $25.15 million for 2016.

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I. Introduction

1. Since their establishment, and as detailed in the previous reports of the Secretary-General on the Khmer Rouge trials (A/58/617, A/59/432 and Add.1, A/60/565, A/62/304, A/67/380, A/68/532 and A/69/536), the Extraordinary Chambers in the Courts of Cambodia have achieved substantial progress towards fulfilling their mandate. Case 001, against Kaing Guek Eav, alias "Duch", was the first case tried before the Chambers. His conviction became final, as varied, by the appeal decision of the Supreme Court Chamber of 3 February 2012. He was sentenced to life imprisonment.

2. Over the past year, the Extraordinary Chambers have reached a point of peak workload, with full sets of appeal, trial and judicial investigation proceedings advancing simultaneously. In terms of the individual cases currently before the Chambers, case 002 has been severed into multiple trials. In the first trial, styled as case 002/01, the Trial Chamber pronounced its judgement on 7 August 2014, convicting two surviving senior leaders of the Khmer Rouge regime, Nuon Chea and Khieu Samphan, of crimes against humanity and sentencing them to life imprisonment. Both accused have appealed the convictions. Appeal proceedings before the Supreme Court Chamber have been fully briefed, and the Chamber has commenced initial appeal hearings.

3. A second trial, styled as case 002/02, contains additional charges against Nuon Chea and Khieu Samphan related to genocide, forced marriages and treatment of Buddhists, as well as alleged crimes committed at four security centres and three worksites and in a group of work cooperatives located in one administrative district. The trial commenced with opening statements on 17 October 2014, and evidentiary hearings commenced on 8 January 2015.

4. In cases 003 and 004, judicial investigations are ongoing and have made significant progress. One suspect in case 003 and two suspects in case 004 were formally charged in March 2015. It is currently projected in respect of those cases that the judicial investigations will conclude by the fourth quarter of 2015 and the first quarter of 2016, respectively, with decisions by the co-investigating judges on whether any of those cases will be sent for trial to follow by the end of 2016.

5. Following the request of the General Assembly in its resolution 68/247 B for a completion strategy for the Extraordinary Chambers, the latter prepared a completion plan[1] that highlights a number of remaining procedural milestones and projects the timelines required for judicial completion of the current caseload. The plan is updated on a quarterly basis. Given that no decision has been made yet as to whether any suspect in case 003 and/or case 004 will be indicted and sent for trial, it is difficult to project an overall timeline for the Court's judicial work. Nevertheless, in accordance with the Extraordinary Chambers' completion plan, it is projected that any appeal proceedings in case 002/02 would run into the first half of 2019. The timelines for any additional trial(s) in cases 003 and 004 can be projected only when the closing orders indicting or acquitting the charged persons in those cases are issued.

6. The Extraordinary Chambers have continued to face considerable financial challenges. The authorization by the General Assembly of a subvention to supplement the voluntary financial resources of the international component assisted

[1] Revision 6, 30 September 2015. Available from www.eccc.gov.kh/en/about-eccc/finances.

the international component in extending contracts of staff until the end of 2015, but it has proven difficult to attract the requisite voluntary funding to fully cover the costs of the international component in 2015. Notwithstanding the increase in financial contributions from the Royal Government of Cambodia, which, coupled with pledges from the international community, has significantly improved the overall funding situation with respect to the national component, a temporary funding shortfall has resulted in significant disruption to the national component and non-payment of staff in August 2015.

II. Progress made in the case files

A. Case 001: Kaing Guek Eav, alias "Duch"

7. Kaing Guek Eav continues to serve the remainder of his life sentence at Kandal provincial prison.

B. Case 002: Nuon Chea, Ieng Sary, Khieu Samphan, Ieng Thirith

8. On 15 September 2010, the Extraordinary Chambers' co-investigating judges issued a closing order indicting the former Chair of the Democratic Kampuchea People's National Assembly and Deputy Secretary of the Communist Party of Kampuchea, Nuon Chea, the former Deputy Prime Minister for Foreign Affairs of Democratic Kampuchea, Ieng Sary, the former Head of State of Democratic Kampuchea, Khieu Samphan, and the former Minister of Social Affairs of Democratic Kampuchea, Ieng Thirith, for crimes against humanity, grave breaches of the Geneva Conventions of 1949 and genocide against the Cham and Vietnamese ethnic groups. Ieng Thirith had been found unfit to stand trial on medical grounds and remained under judicial supervision until her death in August 2015 and subsequent termination of the proceedings. The proceedings against Ieng Sary were also terminated upon his death in March 2013.

9. The charges in case 002 have been severed into two separate cases, styled as cases 002/01 and 002/02, each with a separate trial and judgement. Case 002/01 focused on alleged crimes against humanity relating to the forced movement of the population from Phnom Penh (phase one) and later from the regions (phase two) and the alleged execution of former Khmer Republic soldiers at Tuol Po Chrey. It also considered the structure of Democratic Kampuchea, the history of the Communist Party of Kampuchea, the organizational structure of Democratic Kampuchea and the roles of the accused in relation to the policies of the Democratic Kampuchea regime relevant to all charges. Case 002/02 encompasses charges relating to genocide, forced marriage and rape, internal purges, treatment of Buddhists and targeting of former Khmer Republic officials, in addition to alleged crimes committed at four security centres (including S-21), three worksites and a number of adjacent work cooperatives. By order of the Supreme Court Chamber on 29 July 2014, further charges not encompassed in the two cases were provisionally stayed pending appropriate disposal by the Trial Chamber.

10. On 7 August 2014, the Trial Chamber delivered its judgement in the historic proceedings in case 002/01. It found that Nuon Chea and Khieu Samphan had, through their participation in a joint criminal enterprise, committed the crimes against

humanity of murder, political persecution and other inhumane acts (comprising forced transfers and attacks against human dignity) during movement of population (phase one), political persecution and other inhumane acts (comprising forced transfers and attacks against human dignity) during movement of population (phase two) and murder and extermination through executions of Khmer Republic officials at Tuol Po Chrey. They were also found to have planned, instigated, aided and abetted the aforementioned crimes during movement of population (phases one and two) and at Tuol Po Chrey. In addition, Nuon Chea was found to have ordered the crimes and to have been responsible as a superior for all crimes committed in the course of movement of population and at Tuol Po Chrey. The Trial Chamber sentenced both Nuon Chea and Khieu Samphan to life imprisonment.

11. Appeal proceedings in respect of the trial judgement are now well advanced. The co-prosecutors filed an appeal on 28 November 2014, seeking declaratory relief on the applicability of one specific form of the doctrine of joint criminal enterprise as a mode of responsibility before the Extraordinary Chambers. Both Nuon Chea and Khieu Samphan filed comprehensive appeals against the trial judgement on 29 December 2014, advancing a total of 223 and 150 grounds of appeal, respectively. Both accused allege that the Trial Chamber erred both in law and in fact on a broad variety of grounds and request the Supreme Court Chamber to reverse the trial judgement and acquit the accused. The Supreme Court Chamber held initial appeal hearings on this particularly complex appeal between 2 and 6 July 2015. Further appeal hearings are expected later in 2015, and a judgement on the appeals is projected for delivery by the end of the second quarter of 2016.

12. In respect of the separate trial in case 002/02, the Trial Chamber heard opening statements by the co-prosecutors in case 002/02 on 17 October 2014. The Trial Chamber has organized the evidence in the trial in case 002/02 into seven distinct segments. Following a delay caused by the absence of counsel on a variety of grounds and the Trial Chamber's resolution of the matter, presentation of evidentiary hearings commenced on 8 January 2015. The two initial trial segments addressed cooperatives, one security centre and three worksites, in respect of which the Trial Chamber had completed the hearing of evidence at the time of submission of the present report.

13. On 7 September 2014, the Trial Chamber commenced its third trial segment, addressing allegations related to the treatment of the Cham ethnic group, including charges of genocide. By that point the Trial Chamber had heard the testimonies of 65 individuals: 39 witnesses, 25 civil parties and 1 expert over the course of 98 hearing days, as well as assessed a broad range of documentary evidence. The presentation of evidence is currently projected to proceed into the third quarter of 2016, with closing statements in the fourth quarter of 2016 and a resulting trial judgement in the third quarter of 2017.

C. Cases 003 and 004

14. On 7 September 2009, the Extraordinary Chambers' international co-prosecutor filed two introductory submissions (subsequently supplemented by further submissions from the international co-prosecutor) with the co-investigating judges alleging the commission of further crimes falling under the jurisdiction of the Extraordinary Chambers by five additional suspects. The crimes under investigation

are genocide, crimes against humanity, grave breaches of the Geneva Conventions of 1949 and violations of the 1956 Penal Code of Cambodia. Of the five suspects, three have been charged. One additional suspect in case 003 has died, while the identity of one further suspect under investigation in case 004 remains confidential.

15. Pursuant to submissions filed by the international co-prosecutor, the co-investigating judges are seized of 10 crime scenarios in case 003 and 55 crime scenarios in case 004. Under the internal rules, the co-investigating judges are legally obligated to investigate all crime scenarios of which they have been seized, although they have the power, at the time of notification of the conclusion of a judicial investigation, to reduce its scope to a still representative case.

16. The current international co-investigating judge was appointed on 31 July 2015, following the resignation of his predecessor for personal reasons. Since the assumption by the previous international co-investigating judge of his duties, significant investigative work had been performed, resulting in 115 field missions and 780 witness interviews completed. It is currently projected that the judicial investigations in cases 003 and 004 will be concluded by December 2015 and March 2016, respectively. Closing orders with indictments and/or dismissal orders are expected to be issued by the co-investigating judges by the end of September and December 2016, respectively.

17. On 3 March 2015, the then international co-investigating judge charged Meas Muth and Im Chaem in absentia in cases 003 and 004, respectively. Meas Muth was charged with alleged crimes against humanity, war crimes and violations of the 1956 Penal Code of Cambodia, while Im Chaem was charged with alleged crimes against humanity and violations of the 1956 Penal Code of Cambodia. Charging was undertaken in absentia, as the charged persons had ignored formal summonses and ensuing arrest warrants had not been executed. On 27 March 2015, the then international co-investigating judge charged Ao An in person in case 004 with alleged crimes against humanity and violations of the 1956 Penal Code of Cambodia. Following the charging, the charged persons gain full access to the case file and can participate in the judicial investigations through their co-lawyers. On 2 June 2015, the co-investigating judges issued a decision dismissing the criminal allegations against Sou Met, until then a suspect in case 003, on account of his death in 2014.

18. In June and July 2015, the then international co-investigating judge declassified extensive material following the application of a charged person in case 003, Meas Muth. The material made apparent that three arrest warrants issued by the then international co-investigating judge had gone unexecuted, on the basis of a variety of grounds advanced by government officials. In a note verbale dated 12 August 2015 from the United Nations Secretariat to the Royal Government of Cambodia, the United Nations recalled applicable provisions of the legal framework of the Extraordinary Chambers and expressed serious concerns as to compliance with article 25 of the Agreement between the United Nations and the Royal Government of Cambodia concerning the Prosecution under Cambodian Law of Crimes Committed during the Period of Democratic Kampuchea, in view of the continuing failure to execute arrest warrants issued by competent judicial organs of the Extraordinary Chambers. The United Nations Secretariat sought the views of the Royal Government of Cambodia on the matter and respectfully requested the Government to liaise with all competent authorities to ensure that all such authorities carry out their duties in furtherance of the applicable legal framework and, in particular, to ensure that any

present or future arrest warrants and any other requests for assistance or orders from competent authorities of the Extraordinary Chambers be executed without delay.

19. At the time of finalizing the present report, the matter was the subject of ongoing diplomatic correspondence between the United Nations and the Royal Government of Cambodia.

20. The recently appointed international co-investigating judge will continue the investigative work undertaken by his predecessor, following his own review of the remaining work to be completed in the two cases. It is expected that any impact that this may cause on the projected investigative timelines would be more fully assessed in the fourth quarter of 2015.

III. Completion plan and road map: projected timelines

21. Following the request of the General Assembly for a completion strategy with a clear road map, the Extraordinary Chambers prepared a completion plan that details the remaining work to be completed in the proceedings of which they are currently seized.[2] It is clarified that the current proceedings represent the entire caseload of the Chambers, as confirmed by the international co-prosecutor. Assessing each case individually, the plan sets out a road map in which the remaining procedural milestones are highlighted and the timelines required for the judicial completion of the current caseload are projected. The plan was first prepared in March 2014 and subsequently revised quarterly to reflect the most accurate perspective as the proceedings evolved. It also sets out a series of measures that may assist expeditious completion.

22. On the basis of current projections, the earliest anticipated completion of judicial proceedings in case 002 will be in the third quarter of 2017, with the delivery of a trial judgement in case 002/02, absent any appeal. The timing of the final conclusion of judicial proceedings in case 002/02 will depend on the filing of any appeal, and current projections estimate the delivery of any appeal judgement in that case to be in 2019.

23. The phases of judicial investigation in cases 003 and 004 are projected to conclude in 2015 and 2016, respectively. Should either or both of those cases be sent for trial, in whole or in part, projections for trial timelines would then need to be assessed, taking into account the scope of the proceedings.

24. Following the milestones reached in 2015, it is projected that in 2016 the Supreme Court Chamber will issue an appeal judgement in respect of case 002/01, bringing that case to a close. Two milestones are expected for 2016 in respect of case 002/02: the conclusion of the presentation of evidence at trial and the conclusion of trial closing statements. It is projected that a further three milestones will be reached in 2016 in respect of cases 003 and 004: the conclusion of judicial investigation in case 004 and the issuance of closing orders in cases 003 and 004, with decisions of the co-investigating judges to send either or both of the cases for trial, in whole or in part, or to dismiss the proceedings.

[2] The most recent revision (revision 6, 30 September 2015) is available from www.eccc.gov.kh/en/about-eccc/finances.

25. It is projected that four milestones will be reached in 2017: the delivery of a trial judgement in case 002/02 and the filing of notices of appeals, if any, as well as the disposal of any appeals against any closing orders in cases 003 and 004 with a decision of the Pretrial Chamber to either confirm the closing order (either partially or in full) or dismiss the case.

26. In 2018, the Supreme Court Chamber will, in the event of any appeal against the trial judgement in case 002/02, be fully occupied with appeal hearings and deliberations. The delivery of the judgement on any such appeal will be expected to follow in 2019 and will bring that case to a close.

IV. Current financial position

27. Previous reports of the Secretary-General have highlighted to Member States the financial challenges faced by the Chambers, which have continued in 2014 and 2015. In previous years, the impacts of those challenges have included recruitment freezes and uncertainty of staff working on month-to-month contracts with the potential for distraction from the discharge of core functions. National staff had gone without contracts and salaries for prolonged periods, resulting, inter alia, in a walkout by 100 staff in September 2013. The year 2015 saw a significant and welcome improvement in the situation of the national component, with the Royal Government of Cambodia meeting more than 60 per cent of the costs directly. The timing of payments of other pledges meant that national staff were unpaid in August 2015, although contributions sufficient to cover the remaining national costs for 2015 are expected to be received imminently. In terms of the international component, despite the intensive efforts of the Principal Donors Group and the Special Expert to advise on United Nations Assistance to the Khmer Rouge Trials, including in seeking to broaden the traditional donor pool, the funding shortfall has worsened significantly compared with previous years.

28. Pursuant to the Agreement between the United Nations and the Royal Government of Cambodia, the United Nations is responsible for defraying the costs required to support the international component of the Chambers, while the Royal Government of Cambodia is responsible for defraying the costs of the national component, including salaries of national personnel, utilities and service expenses of the Chambers. In its resolution 69/274 A, the General Assembly encouraged all Member States to provide voluntary support for both the international and national components of the Extraordinary Chambers and requested the Secretary-General to continue his intensive efforts to obtain additional voluntary contributions, including by broadening the donor base, for funding the future activities of the Extraordinary Chambers.

29. Historically, funding for the international component of the Chambers has been raised each year from a limited number of Governments, most of which participate in the Principal Donors Group. Since 2008, the Secretary-General has designated an expert to provide short-term technical assistance and guidance to the United Nations Assistance to the Khmer Rouge Trials. The current Special Expert assumed his duties in January 2012 and has developed a fundraising strategy for the Extraordinary Chambers. The strategy has been shared with the Principal Donors Group for feedback and, inter alia, focuses on efforts to broaden the donor base through outreach to potential new donor Governments. Previous fundraising

activities, including two pledging conferences (in 2010 and 2013), a written appeal from the Secretary-General to all Member States and bilateral requests by senior United Nations officials to donor countries, were unsuccessful in generating significant new sources of funding. In coordination with the Special Expert, the Principal Donors Group approached a number of permanent missions to the United Nations in New York through a letter and funding appeal in September 2015.

30. Notwithstanding those efforts, the international component of the Chambers continues to face funding shortages. At the time of writing, the full amount of $12.1 million authorized by the General Assembly had been drawn upon. Should the level of voluntary contributions as pledged be received, the use of the commitment authority approved by the Assembly is expected to be reduced to $8.83 million by the end of 2015.

31. The situation of the national component in 2015 has been mixed. On the one hand, overall contributions have improved, in particular with a significantly increased contribution from the Royal Government of Cambodia. On the other hand, cash flow issues have resulted in disruptions to and unreliable payment to staff since mid-2015, as had occurred from time to time in previous years.

32. In previous years, the national component had suffered from serious financial constraints, leading to intensive efforts by the Extraordinary Chambers, together with senior government officials of the Royal Government of Cambodia, as well as Cambodian ambassadors in foreign capitals, to jointly seek support from key Governments for the national component. The Special Expert has raised the national component's requirements during his visits and regular communications with numerous Governments and with the European Union during the past two years. He also wrote jointly with the Deputy Prime Minister of the Royal Government of Cambodia to the Governments of the States members of the Association of Southeast Asian Nations, requesting coordinated assistance to reduce the national component's budget shortfall. In 2014, three new donors to the national component of the Chambers emerged. Three existing major donors to the international component also agreed to a temporary transfer of funds to the national component's budget to cover requirements during the second and third quarters of 2014. The latter transfer, however, created considerable strain on the international component's budget during the final months of 2014.

33. The United Nations also made intensive efforts to encourage contributions directly from the Royal Government of Cambodia for the national component, including salaries of national staff, in meeting its financial obligations under the Agreement between the United Nations and the Royal Government of Cambodia. In addition to meetings involving other high-level staff, the Secretary-General discussed this initiative with the Prime Minister, Samdech Akka Moha Sena Padei Techo Hun Sen, in October 2014 and was informed that the Royal Government of Cambodia would pay Cambodian salaries for the third quarter of 2014 and the first half of 2015 directly, in addition to its traditional contribution covering building and operating costs. In 2015, the Royal Government of Cambodia supported the Extraordinary Chambers with a contribution of $1.6 million for operational costs and $2.5 million for the salaries of national staff, which amounted to more than 60 per cent of the budget of the national component. Together with an expected contribution from a major donor, that will result in an expected shortfall of just over $80,000 for 2015.

From that perspective, the situation of the national component has significantly improved in 2015.

34. Owing to the timing of contributions from international donors, national staff have faced problems in the course of the second half of 2015 similar to those in previous years: not being paid reliably and on time for their work. Temporary funding shortages in July 2015 were resolved with an exceptional temporary transfer arranged by one funding partner for the Chambers. As no funding was available for August 2015, payment of national salaries was postponed until the receipt of expected voluntary contributions. In addition to a serious effect on national staff, there is potential for a significant resulting impact on the work of the Chambers, including possible delays to the completion of its judicial mandate.

35. Further to the Agreement between the United Nations and the Royal Government of Cambodia, the Secretary-General and the Government are committed to achieving sustainable funding for the Extraordinary Chambers, including seeking to avoid the risk of funding shortfalls for the national component in 2016 and future years. Regular and predictable financing for the national component will be necessary to ensure adequate contractual and working conditions for staff and the completion of the judicial mandate of the Chambers within the most efficient timelines.

36. Securing pledges for the budget is a process that continues throughout the year, owing to the varied fiscal years of the donors. Thus, it is impossible to target one part of the year for securing all pledges and for the Court each year to know what voluntary funding will be forthcoming when the annual budget is being prepared or even when it is initially unveiled. Given the sometimes substantial gap between pledges and payments on those pledges, there is little certainty attached until each contribution is actually received. The Secretariat, supported by the Special Expert, continues to engage with the Principal Donors Group on forthcoming pledges and payments so as not to imperil monthly obligations for salaries and expenses of United Nations personnel.

37. The General Assembly approved a commitment authority of $15.54 million for the international component for 2014; those funds, however, were never drawn upon, as voluntary funding eventually covered in full the international component's obligations during 2014. The Assembly again approved a commitment authority for 2015 for a lesser amount of $12.1 million for the international component's budget. That commitment authority has functioned as a line of credit, permitting the United Nations to sign one-year contracts for international officials and staff at the Chambers, and as a source of funds if voluntary funding falls short. It is a critical requirement that allows salaries and expenses of personnel to be paid on time and without any disruption to the work of the Chambers.

38. In accordance with General Assembly resolution 69/274 A, the Secretary-General will report on the use of the commitment authority for 2015 in the context of the second performance report on the programme budget for the biennium 2014-2015. Despite some recent new pledges for the international component, a significant funding shortfall remains.

V. Funding requirements of the Extraordinary Chambers for 2016-2017

39. While the Chambers' completion plan projects judicial activity until 2019, and possibly beyond, in the event that cases 003 and 004 should proceed to trial, the group of interested States has requested that budget proposals be prepared on a two-year basis. The international and national components are funded separately, with the Secretariat responsible for the receipt and management of voluntary funds for the international component and the Royal Government of Cambodia responsible for funding the national component, including through contributions from the international community for that purpose. The proposed budget for the Extraordinary Chambers for 2016-2017 defines all of the resources for both components, including staff resources, required to operate the Chambers efficiently. The resource requirements of the international component of the Extraordinary Chambers for 2016-2017 are summarized in tables 1 and 2.

Table 1
Financial resources for the international component of the Extraordinary Chambers
(Thousands of United States dollars)

Component	*2014 expenditure*	*2015 budget*	*Resource requirements for 2016-2017*		
			2016	*2017*	*Total*
A. Judicial Offices and Chambers	8 455.4	9 156.6	9 401.9	6 222.5	15 624.4
B. Defence and Victims Support Section	2 938.3	4 805.1	4 522.1	3 211.9	7 734.0
C. Office of Administration	10 334.4	13 134.9	11 773.7	10 654.9	22 428.6
Total	**21 728.1**	**27 096.6**	**25 697.7**	**20 089.3**	**45 787.0**

Table 2
Post resources for the international component of the Extraordinary Chambers

Category	*2014*	*2015*	*2016*	*2017*
Professional and above				
Judges (D-2)	12	12	12	12
D-1	1	1	1	1
P-5	6	6	7	7
P-4	18	19	18	16
P-3	38	38	38	30
P-2	5	7	6	2
Subtotal	**80**	**83**	**82**	**68**
Other levels				
Field Service	25	25	23	21

Category	*2014*	*2015*	*2016*	*2017*
National Professional Officer	9	9	10	10
General Service	45	45	45	39
Subtotal	**79**	**79**	**78**	**70**
Total	**159**	**162**	**160**	**138**

40. In 2016, resource requirements for the international component in the amount of $25,697,700 would provide for the continuation of the 160 posts (12 D-2, 1 D-1, 7 P-5, 18 P-4, 38 P-3, 6 P-2, 23 Field Service, 10 National Professional Officers, 45 General Service) and non-post items, such as non-staff compensation, consultants and experts, travel of staff, travel of witnesses, contractual services, general operating expenses, supplies, and furniture and equipment. In 2017, resource requirements in the amount of $20,089,300 would provide for the continuation of 138 posts (12 D-2, 1 D-1, 7 P-5, 16 P-4, 30 P-3, 2 P-2, 21 Field Service, 10 National Professional Officers, 39 General Service) and non-post items, such as non-staff compensation, consultants and experts, travel of staff, travel of witnesses, contractual services, general operating expenses, supplies, and furniture and equipment.

41. For 2016-2017, the total funding requirements for both the national and international components are estimated at $32.34 million for 2016 and $26.46 million for 2017, a total of $58.80 million. Of that amount, $45.79 million is for the international component and $13.01 million for the national component. On the international side, there is currently a shortfall in pledges of $8.83 million for 2015 and $45.24 million for 2016-2017. On the basis of the pattern of contributions in 2014-2015, it is expected that resources will be pledged incrementally and in varied amounts, with fund balances available at any given time insufficient to ensure reasonable duration of staff contracts. The operational reserve of $4.2 million that had accumulated since the Chambers' inception was fully depleted in 2012 to meet staff payroll costs and remains at zero. With continuing shortfalls in voluntary contributions, the Secretariat has been unable to reinstate any reserve and thus has no funding mechanism to address unforeseen operational contingencies.

42. To address the above-mentioned situation, the Secretary-General is proposing a subvention of $25.15 million for the international component for the period from 1 January to 31 December 2016, taking into account the existing pledges of $546,400. At the same time, the Secretary-General will continue intensive fundraising efforts. The requested subvention would allow the United Nations to issue contracts to international staff of up to one year, or for shorter periods if the defined need is less, thereby providing stability to staff to enable them to fully focus on ensuring the smooth and uninterrupted operation of the Extraordinary Chambers. The Secretary-General proposes that the subvention be available to be drawn upon, should there be insufficient extrabudgetary funds on hand to meet the international component's salary and operational costs.

43. Despite a significant improvement in the situation of the national component for 2015, the timing of contributions has created serious difficulties, and overall funding remains uncertain in 2016-2017 (with current estimated requirements for the national component for that period amounting to $13.01 million) and beyond. While the Royal Government of Cambodia is responsible under the Agreement with

the United Nations to raise funding for the entire budget of the national component, the provision in 2015 of $4.1 million directly by the Royal Government of Cambodia is a significant increase compared with previous years. The Royal Government of Cambodia has reiterated its strong commitment to the Extraordinary Chambers' ongoing process and to addressing its funding challenges. The United Nations will also continue to support the Government in seeking to obtain additional voluntary contributions from the international community for the national component. As has been seen in previous years, any funding shortfall is likely to have a serious impact on the activities of the Extraordinary Chambers as a whole.

VI. Conclusions

44. **The Extraordinary Chambers have made significant progress across all sets of current proceedings. Following the judgements in cases 001 and 002/01, the landmark trial in case 002/02 has made substantial progress during 2015. The evidence presently being heard in respect of charges of genocide underscores the vital importance of the Chambers' work in addressing the most serious international crimes. Appeal hearings have begun in respect of the multiple appeals against the judgement in case 002/01, moving those proceedings closer to conclusion. Judicial investigations in cases 003 and 004 have reached key milestones in the charging of three persons but have contracted in personal scope with the confirmed death of an additional suspect.**

45. **The financial challenges faced by the Extraordinary Chambers persist and, in the case of the international component, the situation has worsened over the past year. At the same time, the Secretary-General welcomes the provision of the majority of the budget of the national component by the Royal Government of Cambodia in 2015 and acknowledges the commitment to the success of the Chambers thereby shown by the Government.**

46. **It remains critical for the international community to ensure that the Extraordinary Chambers have the financial means required to ensure full accountability, within the mandate of the Chambers, for the shocking scale of crimes perpetrated during the former Khmer Rouge regime. Financial failure of the Chambers would constitute a renewed tragedy in the quest for justice of the people of Cambodia, who have waited four decades for efforts to reach belated fruition, and would constitute a serious setback to the international community's fight against impunity. With the now confirmed death in 2014 of one suspect and in 2015 of an additional accused person, and with other accused persons, charged persons, suspects, civil parties and witnesses all at advancing ages, the Chambers are making every effort to expedite their work so that justice can be achieved rather than frustrated by the further passage of time.**

VII. Recommendations

47. **The Secretary-General requests the General Assembly:**

(a) **To take note of the resource requirements of the Extraordinary Chambers in the Courts of Cambodia for the period from 1 January 2016 to**

31 December 2017, estimated at $45,240,600 for the international component of the Extraordinary Chambers to complete its judicial mandate;

(b) To appropriate the amount of $25,151,300 as a subvention for 2016 for the international component of the Extraordinary Chambers in the Courts of Cambodia under the proposed programme budget for 2016-2017;

(c) To decide to consider the report of the Secretary-General on a subvention amounting to $20,089,300 for 2017 for the international component of the Extraordinary Chambers in the Courts of Cambodia at the main part of its seventy-first session.

Annex

Financial status of the Extraordinary Chambers in the Courts of Cambodia

International component: United Nations Assistance to the Khmer Rouge Trials

Table A.1
Financial status of the international component as at 31 December 2014
(Thousands of United States dollars)

A. Income	
Contributions received from 2005 to 2014	167 480.1
Interest earned from 2005 to 2014 and other adjustments	4 918.5
Subtotal	**172 398.5**
B. Expenditure[a]	(176 685.6)
Fund balance	**(4 287.1)**

[a] Figures include a grant of $3,255,000 and loans of $780,000 to the national component to cover salary costs. These costs are also reflected in the national component tables.

Table A.2
Financial status of the international component for 2015
(Thousands of United States dollars)

A. Income	
Cash balance brought forward as at 1 January 2015	(4 287.1)
Contributions received from 1 January to 31 August 2015	10 293.8
Subtotal	**6 006.7**
B. Expenditure as at 31 August 2015[a]	(16 233.0)
Cash balance	**(10 226.3)**
C. Outstanding pledges for 2015[b]	10 681.9
Total funds available	**455.6**
D. Estimated expenditure from September to December 2015	(9 281.1)
Projected cash shortfall as at 31 December 2015	**(8 825.5)**
E Estimated requirements for 2016[c]	(25 697.7)
F. Outstanding pledges for 2016[d,e]	546.4
Estimated shortfall for 2016	**(25 151.3)**

(Footnotes on following page)

(Footnotes to Table A.2)

[a] Figures exclude a temporary transfer of US$ 183,000 to the national component, from a funding partner of the international component, to bridge funds for covering July 2015 salary costs pending the receipt of a major expected contribution. These costs are also reflected in the national component tables.

[b] European Union (€3,500,000 revalued as at 1 September 2015); Australia (AUD 3,250,000 revalued as at 1 September 2015; Japan (US$ 1,221,818); United States of America (US$ 3,200,000).

[c] 2016 revised budget figures are subject to change pending review and approval by the group of interested States.

[d] Germany (€500,000 revalued as at 1 September 2015).

[e] Figures exclude the European Union pledge (€3,400,000) for 2016 for both the international and national components, of which the breakdown is to be decided in connection with the budget for 2016-2017.

Indicative resource requirements for the United Nations Assistance to the Khmer Rouge Trials

Table A.3.1

Requirements by component and funding availability

(Thousands of United States dollars)

Component	*1 January-31 December 2014 (actual)*	*1 January-31 December 2015 (estimated)*	*1 January-31 December 2016 (estimated)*	*1 January-31 December 2017 (estimated)*
1. Judicial Office	8 455.4	10 101.4	9 401.9	6 222.5
2. Defence and victims support	2 938.3	3 165.5	4 522.1	3 211.9
3. Office of Administration	10 334.4	12 247.2	11 773.7	10 654.9
Total expenditure	**21 728.1**	**25 514.1**	**25 697.7**	**20 089.3**
Balance brought forward	655.7	(4 287.1)		
Pledges and contributions	16 785.3	20 975.8	546.4	
Total income	**17 441.0**	**16 688.7**	**546.4**	
Surplus/(shortfall)	**(4 287.1)**	**(8 825.4)**	**(25 151.3)**	**(20 089.3)**

Table A.3.2
Requirements by object of expenditure and funding availability, international component
(Thousands of United States dollars)

Object of expenditure	*1 January-31 December 2014 (actual)*	*1 January-31 December 2015 (estimated)*	*1 January-31 December 2016 (estimated)*	*1 January-31 December 2017 (estimated)*
Posts	13 921.3	14 937.9	15 280.1	12 664.1
Non-staff compensation	2 135.1	2 289.8	2 355.0	2 283.0
Consultants and experts	3 197.9	5 574.2	5 568.8	3 132.8
Travel of staff	135.6	150.4	186.9	53.1
Travel of witnesses	33.3	67.5	78.2	19.4
Contractual services[a]	1 442.3	1 713.2	1 331.4	1 041.9
General operating expenses	433.2	390.5	488.6	484.6
Supplies	248.2	248.2	270.9	189.2
Furniture and equipment	181.2	142.4	137.8	221.2
Total expenditure	**21 728.1**	**25 514.1**	**25 697.7**	**20 089.3**
Pledges and contributions[b]	16 785.3	20 975.8	546.4	
Balance brought forward	655.7	(4 287.1)		
Total income	**17 441.0**	**16 688.7**	**546.4**	**20 089.3**
Surplus/(shortfall)	**(4 287.1)**	**(8 825.4)**	**(25 151.3)**	**(20 089.3)**

[a] Figures include 2014 loans to the national component for payment of local salaries.
[b] Figures exclude the European Union pledge (€3,400,000) for 2016 for both the international and national components, of which the breakdown is to be decided in connection with the budget for 2016-2017.

National component: Cambodia

Table A.4
Financial status of the Chambers as at 31 December 2014
(Thousands of United States dollars)

A. Income	
Contributions received from 2005 to 2014	55 821.5
B. Expenditure	(55 677.0)
Fund balance	**144.5**

Table A.5
Financial status of the Chambers
(Thousands of United States dollars)

A. Income	
Cash balance brought forward as at 1 January 2015	144.5
Contributions received from 1 January to 31 July 2015[a]	4 483.1
Subtotal	**4 627.6**
B. Expenditure as at 31 July 2015	(3 816.2)
Cash balance[b]	**811.4**
C. Outstanding pledges for 2015[c]	2 043.6
Total funds available	**2 855.0**
D. Estimated expenditure from August to December 2015	(2 752.5)
E. Return of a temporary transfer to a funding partner for 50 per cent of July 2015 staff salaries	(183.0)
Projected cash shortfall as at 31 December 2015	**(80.5)**
F. Estimated requirements for 2016	6 643.5
G. Contributions and outstanding pledges for 2016[d]	–
Estimated shortfall for 2016	**(6 643.5)**

[a] Includes an exceptional temporary transfer from a funding partner of the international component in the amount of $183,000 for 50 per cent of July salaries.

[b] $780,158 not disbursable for payroll costs; $30,167 earmarked for the Victims Support Section; $990 remaining balance of the exceptional temporary transfer for July 2015 salaries; $175 remaining balance for the Office of the Co-Prosecutors internship programme.

[c] €2,000,000 from the European Union earmarked for national staff salaries (inclusive of programme support costs) and $43,582 from Germany earmarked for the Victims Support Section.

[d] Figures exclude the European Union pledge (€3,400,000) for 2016 for both the international and national components, of which the breakdown is to be decided in connection with the budget for 2016-2017.

Indicative resource requirements for the national component

Table A.6.1
Requirements by component and funding availability
(Thousands of United States dollars)

Component	*1 January-31 December 2014 (actual)*	*1 January-31 December 2015 (estimated)*	*1 January-31 December 2016 (estimated)*	*1 January-31 December 2017 (estimated)*
1. Judicial Office	1 449.5	1 689.8	1 778.9	1 556.5
2. Defence and victims support	462.3	573.3	512.1	510.1
3. Office of Administration	4 151.5	4 305.5	4 352.5	4 305.2
Total expenditure	**6 063.3**	**6 568.6**	**6 643.5**	**6 371.8**
Balance brought forward	227.4	144.5		
Pledges and contributions	5 980.4	6 343.7		
Total income	**6 207.8**	**6 488.2**		
Surplus/(shortfall)	**144.5**	**(80.4)**	**(6 643.5)**	**(6 371.8)**

Table A.6.2
Post requirements

Category	*January-December 2014*	*January-December 2015*	*January-December 2016*	*January-December 2017*
Professional and above				
D-1 (judges and Director of Administration)	14	15	15	15
P-5	1	1	1	1
NO-D	20	21	22	21
NO-C	19	19	17	16
NO-B/NO-A	16	19	19	18
Subtotal	**70**	**75**	**74**	**71**
Other levels				
General Service	110	110	111	111
Subtotal	**110**	**110**	**111**	**111**
Total	**180**	**185**	**185**	**182**

Table A.6.3
Requirements by object of expenditure and funding availability, national component
(Thousands of United States dollars)

Object of expenditure	*1 January-31 December 2014 (actual)*	*1 January-31 December 2015 (estimated)*	*1 January-31 December 2016 (estimated)*	*1 January-31 December 2017 (estimated)*
Posts	3 125.2	3 503.4	3 570.2	3 390.7
Non-staff compensation	705.9	900.8	911.0	868.2
Other staff costs	172.0	174.3	236.7	231.3
Consultants and experts	136.2	137.9	143.4	143.4
Travel of staff	55.3	71.5	49.6	49.4
Contractual services	1 308.2	1 022.3	1 030.3	286.5
General operating expenses	414.7	490.1	490.1	488.1
Hospitality	24.5	29.1	29.4	29.4
Premises alteration	52.1	98.1	99.1	101.1
Training and meetings	69.2	141.1	83.7	83.7
Total expenditure	**6 063.3**	**6 568.6**	**6 643.5**	**6 371.8**
Pledges and contributions[a]	5 980.4	6 343.7		
Balance brought forward	227.4	144.5		
Total income	**6 207.8**	**6 488.2**		
Surplus/(shortfall)	**144.5**	**(80.4)**	**(6 643.5)**	**(6 371.8)**

[a] Figures exclude the European Union pledge (€3,400,000) for 2016 for both the international and national components, of which the breakdown is to be decided in connection with the budget for 2016-2017.

Table A.7
Financing of the United Nations Assistance to the Khmer Rouge Trials, 2016-2017
(Thousands of United States dollars)

	1 January-31 December 2016	*1 January-31 December 2017*	*Total estimated requirements*
A. Requirements — international component	25 151.3	20 089.3	45 240.6
B. Requirements — national component	6 643.5	6 371.8	13 015.3

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Question of Cyprus

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Seventieth year

Letter dated 5 October 2015 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a letter dated 5 October 2015, addressed to you by Mehmet Dânâ, representative of the Turkish Republic of Northern Cyprus (see annex).

I would be grateful if the text of the present letter and its annex could be circulated as a document of the General Assembly, under agenda item 44, and of the Security Council.

(*Signed*) Y. Halit **Çevik**
Permanent Representative

15-17414 (E) 201015

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Annex to the letter dated 5 October 2015 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

Upon instructions from my Government, I am writing in response to the letters dated 26 August 2015 and 11 September 2015 addressed to you by the Greek Cypriot representative in New York and circulated as documents of the General Assembly and of the Security Council (A/69/1016-S/2015/665 and A/69/1029-S/2015/701), which, yet again, contain false assertions similar to those made in his previous letters. In order to set the record straight, I would like to bring the following to your kind attention.

At the outset, regarding the claims of so-called "infringements of international air traffic regulations" and "violations of the national airspace of the Republic of Cyprus by Turkey", I wish, once again, to reiterate that flights within the sovereign airspace of the Turkish Republic of Northern Cyprus take place with the full knowledge and consent of the relevant authorities of the State, over which the Greek Cypriot administration in South Cyprus has no jurisdiction or right of say whatsoever. The civil aviation authority of the Turkish Republic of Northern Cyprus is the sole competent authority to provide air traffic and aeronautical information services within its own national airspace. As to the false assertion regarding the "illegally issued notices to airmen", it must be underlined that activities within the Ercan Advisory Airspace, including issuance of notices to airmen, are carried out by and in cooperation with the relevant authorities of the State in accordance with article 3 of the Chicago Convention on International Civil Aviation.

Similarly, the claim in the letters regarding the Turkish Cypriot ports is also baseless, given the fact that the Greek Cypriot administration has no jurisdiction or right of say over Northern Cyprus. Furthermore, this claim ignores the present realities on the ground, namely, the existence of two independent self-governing States on the island of Cyprus, each exercising sovereignty and jurisdiction within its respective territory.

As to the repeated false allegations regarding Ercan Airport in the North, it should once again be underlined that the technologically up-to-date Ercan Area Control Centre and Airport in North Cyprus have been providing regular, reliable and safe air traffic services since the Greek Cypriot refusal in 1977 to provide air traffic services in the northern part of the island, in line with its isolation policy that has been imposed on the Turkish Cypriot people. Ever since, all flights within the sovereign airspace of the Turkish Republic of Northern Cyprus have taken place with the full knowledge and permission of the Turkish Republic of Northern Cyprus Civil Aviation Department, over which the Greek Cypriot administration in South Cyprus has no jurisdiction or control.

The legislation of the Turkish Republic of Northern Cyprus on aeronautical safety meets all standards and recommendations of the International Civil Aviation Organization, providing safe and swift navigation of aircraft landing at or taking off from Ercan Airport and using the airspace of the Turkish Republic of Northern Cyprus. All airports in Northern Cyprus are in full conformity with international standards, and necessary investments have been made to keep up with the developing technology. The number of air traffic controllers has been increased in accordance with the increasing number of flights over the years, and the Ercan Area

Control Centre is in regular and close cooperation with the Ankara Area Control Centre in order to ensure the safe conduct of all flights in the region. In 2014 alone, the number of passengers who used Ercan Airport stood at almost 3,250,000, while the projected number of passengers for 2015 is 3,500,000. Moreover, in 2014, around 25,000 planes used Ercan Airport for arrival and departure, and around 200,000 planes used the Ercan Advisory Airspace. These numbers are expected to be at around 27,000 and 210,000, respectively, for 2015. In that respect, it must be stressed that the Turkish Cypriot side is committed to upholding the highest standards in the field of air navigation safety, in full conformity with the Chicago Convention of 1944, and that it is ready to cooperate with the Greek Cypriot authorities on this very important issue.

At a time when the comprehensive settlement negotiations are progressing swiftly in a results-oriented atmosphere, I deem it necessary to stress the need to fully channel all our efforts towards achieving a just and lasting settlement of the Cyprus conflict in line with the established United Nations parameters and the joint declaration of 11 February 2014, which envisage a new partnership on the basis of the political equality of the two peoples of the island within the framework of a bizonal, bicommunal federation with two constituent States of equal status. Moreover, the Greek Cypriot administration should once again be reminded that its counterpart is and has always been the Turkish Cypriot side, not Turkey.

Availing myself of the present opportunity, I would like to call upon the Greek Cypriot side to discontinue such counterproductive and outdated rhetoric, which is not reflective of the joint vision and cooperation expressed by the leaders of both communities on the island since the resumption of the settlement talks in May 2015. As the two future partners in the island of Cyprus, we should never lose sight of the fact that the solution to the Cyprus problem will comprehensively deal with all pending issues between the two sides and thus focus all our efforts towards the ultimate goal of settlement.

Finally, I would like to reiterate that, as the Turkish Cypriot side, we are committed to maintaining our constructive and positive stance within the context of your good offices mission in Cyprus and encourage our Greek Cypriot neighbours to follow a similar path.

I should be grateful if the present letter could be circulated as a document of the General Assembly, under agenda item 44, and of the Security Council.

(*Signed*) Mehmet **Dânâ**
Representative
Turkish Republic of Northern Cyprus

United Nations A/70/405

General Assembly

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Seventieth session
Item 72 (b)
Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Subregional Centre for Human Rights and Democracy in Central Africa

Report of the Secretary-General*

Summary

The present report is submitted pursuant to General Assembly resolution 68/174 on the United Nations Subregional Centre for Human Rights and Democracy in Central Africa. It presents the activities of the Centre from 1 January 2014 to 31 July 2015 in the context of deteriorating security and humanitarian conditions in the subregion. The report highlights in particular challenges created by increasing and indiscriminate attacks by Boko Haram on the civilian population in Cameroon and Chad and the consequences of the crisis in the Central African Republic. Finally, the report outlines opportunities for further engagement, as well as challenges.

* The present report was submitted after the deadline in order to reflect the most recent developments.

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I. Introduction

1. The Subregional Centre for Human Rights and Democracy in Central Africa was established in 2001 at the request of the member States of the Economic Community of Central African States (ECCAS), pursuant to a resolution adopted by the United Nations Standing Advisory Committee on Security Questions in Central Africa in April 1994, in Yaoundé, and General Assembly resolutions 53/78 A and 54/55 A.

2. The Centre also operates as the regional office for Central Africa of the Office of the United Nations High Commissioner for Human Rights (OHCHR), covering the 10 member States of ECCAS (Angola, Burundi, Cameroon, the Central African Republic, Chad, the Congo, the Democratic Republic of the Congo, Equatorial Guinea, Gabon and Sao Tome and Principe) and Rwanda. In accordance with its mandate, the Centre works for the promotion and protection of human rights and democracy through dialogue, advocacy, technical assistance and advisory services to Governments, parliaments, national human rights institutions, civil society, including media, and United Nations country teams.

3. The Centre has 13 staff members: a Director, a Regional Adviser on Democracy, two Human Rights Officers, one National Programme Officer, one Communications and Advocacy Associate, two Programme Assistants and five support staff. The Centre also benefits from a fellowship programme established since 2002, which has involved young professionals from Cameroon, the Congo, Equatorial Guinea and Gabon.

4. The present report covers the period from 1 January 2014 to 31 July 2015. It describes the context in which the Centre has been working, with a focus on the consequences of the attacks of Boko Haram and the situation in the Central African Republic, and outlines the main activities conducted by the Centre during the reporting period, as well as the challenges it has been facing.

5. From February to July 2015, the Centre temporarily assigned two of its staff members to OHCHR missions deployed from Geneva to assess the human rights situation following the actions of Boko Haram in Cameroon and Nigeria. Another staff member was assigned to the OHCHR office in Burundi, from May to June 2015, and a fourth one to the OHCHR office in the Democratic Republic of the Congo, from May to July, to monitor the human rights situation in the context of elections and to evaluate the impact of technical assistance projects implemented by international actors in the field of human rights. Those important temporary assignments led the Centre to review its work plan.

II. Human rights developments in the subregion

6. During the reporting period, the subregion was significantly affected by the expansion of Boko Haram, the crisis in the Central African Republic and tensions related to the presidential election in Burundi. Other important developments included the political protests in Gabon and the expulsion from the Congo of nationals of the Democratic Republic of the Congo.

A. Impact on human rights of the Boko Haram insurgency

7. During the reporting period, Boko Haram expanded its attacks throughout the subregion, committing grave human rights violations and abuses. Counter-terrorism activities conducted by the Governments of the affected countries allegedly led to human rights violations.

1. Violations committed by Boko Haram

8. Boko Haram attacks included grave violations of human rights and international humanitarian law. In 2014 and 2015, Boko Haram, which had been operating in north-east Nigeria since 2009, committed attacks in Cameroon, including in villages on the border between Cameroon and Nigeria, killing civilians, destroying property and committing other crimes.

9. Government sources indicated that more than 1,000 civilians[1] may have been killed in the far north of Cameroon in attacks by Boko Haram between December 2013 and June 2015, including in areas near and around Amchidé, Bia, Doubei and Magdeme. The attacks have also caused the displacement of more than 80,000 persons, many of whom are facing severe food shortages, with high risks of malnutrition and famine. The region is also home to more than 40,000[2] Nigerian refugees who have fled Boko Haram. Some cases of tensions with the local communities have been reported.

10. In addition, the operations of Boko Haram have had serious economic and social consequences, particularly affecting education, health care, access to water and sanitation, and food security. Much educational infrastructure has been destroyed and schools closed down, resulting in more than 35,000 pupils and students being out of school for an entire year. The attacks by Boko Haram have also disrupted agricultural and other economic activities.

11. Numerous health centres, including 47 providing health services to internally displaced persons, have been affected by Boko Haram attacks. Some were completely closed down[3] in Amchidé, Ashigashia, Fotokol, Guzdal and Koza, according to information provided by the authorities in September 2014. Development projects have been suspended, including the rehabilitation of the Maroua-Kousséri axis along national road No. 1, which connects the seaport of Douala, in Cameroon, to N'Djamena.

2. Allegations of human rights violations committed in the context of counter-terrorism operations

12. As of May 2014, the Government of Cameroon deployed a heavy military presence in the Far North region, where it created a fourth joint military command region and enforced strict security measures. The Government deployed a rapid intervention battalion to lead an operation known as "Alpha" to provide intelligence and combat support to the military operations. Other security measures included the

[1] Figures provided by government officials from northern Cameroon, in July 2015.

[2] Figures provided by the Office of the United Nations High Commissioner for Refugees in July 2015 during a meeting with the Centre.

[3] Some of the centres were closed down for security reasons, others because they were partly damaged by Boko Haram attacks.

reinforcement of the gendarmerie presence in Maroua and new security measures, such as the creation of the forty-third motorized infantry battalion and mounting Operation Emergence 4, led by the army.

13. In early 2014, following claims that Boko Haram was trying to recruit youths in Maroua and surrounding villages, the Cameroonian security forces initiated a crackdown on persons without identification documents, and authorities instituted a dusk-to-dawn curfew from 8 p.m. to 6 a.m. in the whole Far North region.

14. Serious concerns have been raised regarding the conduct of security forces fighting Boko Haram in Cameroon, especially their treatment of civilians. In an encouraging bid to ensure compliance with international human rights norms in the fight against the insurgency, the authorities of Cameroon have requested support from the United Nations, through the Centre, to provide human rights training to their forces deployed to fight Boko Haram. Such training by OHCHR has been integrated as part of the United Nations country team's overall support to the ongoing United Nations response to the situation in the far north of Cameroon.

B. Consequences on human rights of the situation in the Central African Republic

15. The Centre participated in a joint mission to assess the impact of the crisis in the Central African Republic on neighbouring countries, including Cameroon, Chad, the Congo and the Democratic Republic of the Congo. Indeed, those countries have been home to more than 150,000 refugees from the Central African Republic since December 2013.[4]

16. During joint missions with the Special Representative of the Secretary-General for Central Africa to camps hosting refugees from the Central African Republic in East Cameroon, the Centre noted important human rights issues, including the lack of access to water, sanitation and basic health care.

17. The Centre also documented an increased circulation of small arms and light weapons from the Central African Republic and a parallel increase in crime in northern Cameroon, which has been affecting the security of civilians.

18. During an assessment organized by the Office of the United Nations High Commissioner for Refugees (UNHCR) in February 2014, in Cameroon, the Centre identified refugees who had been victims of rape and other forms of violence in the Central African Republic while they were fleeing the conflict. Several gave testimonies of acquaintances that had been killed in the flight and expressed the need for assistance to overcome the hardship that had characterized their displacement.

C. Forced expulsion from the Congo of citizens of the Democratic Republic of the Congo

19. In April and May 2014, the authorities of the Congo expelled more than 100,000 nationals of the Democratic Republic of the Congo, presenting this move as

[4] Figures provided on 12 August 2014 by the UNHCR representative in Cameroon during a meeting with the Special Representative of the Secretary-General for Central Africa and Head of the United Nations Regional Office for Central Africa, Abdoulaye Bathily.

a measure against increased criminality, especially in Brazzaville. According to local human rights organizations and United Nations entities, human rights violations were reportedly committed by security forces of the Congo in the course of the repatriations, including rape and indiscriminate and forceful evictions.

20. In June 2014, the Ministry of Justice of the Congo informed the Centre, further to the latter's request, that several police officers suspected of having committed violations against nationals of the Democratic Republic of the Congo during the expulsions had been suspended and that investigations had been opened. However, the Centre could not confirm that the alleged perpetrators were prosecuted, despite its follow-up with the relevant authorities.

III. Activities of the Centre from 1 January 2014 to 31 July 2015

21. During the reporting period, the Centre organized its activities around five of the six OHCHR thematic priorities (namely: widening the democratic space; integrating human rights in development and in the economic sphere; early warning and protection of human rights in situations of conflict, violence and insecurity; combating impunity and strengthening accountability and the rule of law; and strengthening international human rights mechanisms) and the progressive development of international human rights law and standards.

22. The Centre maintained contact with diplomatic representatives of the Congo, Equatorial Guinea, Gabon, and Sao Tome and Principe accredited with Cameroon, notably by organizing regular briefings for them on planned activities and achievements in their countries. The Centre also provided support to United Nations country teams in the area of human rights in the subregion.

A. Widening the democratic space

1. Participation of vulnerable groups in public life

23. In Gabon, the Centre provided technical assistance, including capacity-building, to the authorities towards the effective implementation of the Convention on the Rights of Persons with Disabilities and the Convention on the Elimination of All Forms of Discrimination against Women.

24. The Centre continued its advocacy and dialogue with the Government of Cameroon for the ratification of the Convention on the Rights of Persons with Disabilities. Although Cameroon has not yet ratified the Convention, it has taken a number of actions to promote it. For example, the number of persons living with disabilities participating in electoral processes increased during the reporting period, partly because polling units were established to facilitate voting by those persons. Furthermore, equipment and infrastructure have been developed to facilitate access to public offices and create a conducive working environment for persons with disabilities.

25. The Centre has actively advocated with national authorities in Cameroon the increased participation in electoral processes of women, indigenous people and people living with disabilities. Electoral processes and bodies increasingly complied with quotas established by law. The number of women in public positions continued

to grow, including in the senate and national assembly, where the required quota of at least 30 per cent of women representatives has been met.

26. A subregional workshop organized in October 2014, in Douala, by the Centre, ECCAS, the International Organization of la Francophonie and the United Nations Office for Central Africa (UNOCA), resulted in the creation of a regional platform for women's political participation. The platform has become a vibrant forum for women leaders in Central Africa. On 28 and 29 July 2015, in Douala, the Centre organized a workshop for women playing a political role at the national level, including members of national assemblies and senates, as well as women from national human rights institutions and civil society, including journalists. Participants discussed progress and challenges in the participation of women in political life.

2. Promotion and protection of fundamental freedoms

27. In Cameroon, the Centre provided advice, training and documentation to parliamentarians, government actors, civil society, media and others on the International Covenant on Civil and Political Rights, with a focus on the promotion of fundamental freedoms, to support their contribution to legislative debates or reforms related to human rights. Following interactive discussions on the Covenant, a multi-actor exchange platform for the promotion and protection of fundamental freedoms was established.

28. In Equatorial Guinea, the Centre maintained dialogue with local authorities on the need to promote public freedoms in law and in practice, which has led to their increased awareness of and commitment to protecting human rights, and to facilitating the Centre's activities in the country. This has also resulted in a greater understanding of the complementarity of the role of the ombudsman and other local actors, including law enforcement officials, as duty bearers. The Government of Equatorial Guinea has increased resources allocated to the National Centre for Human Rights and Democracy, which is a government centre for the promotion of human rights.[5]

3. Protection of human rights defenders

29. In the Congo and Gabon, the Centre trained staff members of the national human rights institutions, law enforcement officers and media actors to carry out activities to promote and protect human rights. Civil society organizations working in the field of human rights shared their experiences with other actors with a view to improving collaboration in the promotion and protection of human rights. With the assistance of the Centre, the national human rights institution of the Congo has been organizing periodic meetings for human rights non-governmental organizations, representatives of the Ministry of Justice and other actors to exchange views on the human rights situation and to enhance cooperation with human rights mechanisms and the implementation of human rights treaties. Those meetings have fostered dialogue and collaboration between the national human rights institution, human rights defenders and the Government to improve the State's implementation of its human rights obligations.

[5] In addition to the National Centre for Human Rights and Democracy, Equatorial Guinea has national human rights institutions.

30. In Gabon, a platform for dialogue between the Ministry of Human Rights, civil society organizations and the National Human Rights Commission was set up in March 2014 with the assistance of the Centre. The platform aims at facilitating consultations among various actors working on the promotion and protection of human rights and at boosting the effectiveness of their actions.

B. Integrating human rights in development and in the economic sphere

31. As a result of the Centre's continuing advocacy and technical support, government authorities and some business enterprises in Cameroon have become increasingly aware of their human rights duties and obligations, as provided in the Guiding Principles on Business and Human Rights laid down by the United Nations. For instance, two business enterprises (Hevecam and Electricity Development Corporation) committed to integrating human rights in their operations, in line with the corporate responsibility to respect those rights.[6] In March 2014 and July 2015, during a field visit in the region of Kribi, the Centre witnessed that Hevecam had built new houses for indigenous people affected by its business activities. A health centre was also constructed and equipped to provide free consultations to indigenous peoples and to employees and their families. In addition, the company ensured access of children of indigenous people to education. Employees of the company are affiliated with the national social security scheme. The company has also established a mechanism for communicating with, consulting and informing indigenous people to ensure their participation in decision-making processes. It is also engaged in the protection of the environment through the practice of zero burning and by ensuring that it does not pollute water sources and air.

32. The forestry law in Cameroon is undergoing review by parliament to take into consideration human rights concerns linked to the activities of business enterprises, which have been raised over time by local civil society and community-based organizations and were discussed at two workshops organized by the Centre in Douala, in June 2014 and April 2015.

33. Those improvements are partly due to the efforts of the media and civil society actors trained by the Centre on the use of the Guiding Principles on Business and Human Rights in monitoring and reporting on activities of enterprises, and informing and communicating with the population, companies and the Government.

34. In the Congo, the Centre has been working with the Government to assess the impact on human rights of the activities of business enterprises, especially in relation to infrastructure projects carried out throughout the country. The Centre also trained media professionals and helped them to produce sensitization programmes on business and human rights for the general public.

35. In Gabon, there has been increased awareness among State actors and the private sector of the duties of States and of corporate responsibility, as detailed in the Guiding Principles on Business and Human Rights. In February 2015, the Centre organized a training to give the various actors the opportunity to better understand those principles.

[6] See the Guiding Principles on Business and Human Rights, unanimously endorsed by the Human Rights Council.

C. Early warning and protection of human rights in situations of conflict, violence and insecurity

36. The Centre continued to participate actively in all subregional coordination mechanisms, notably the United Nations Standing Advisory Committee on Security Questions in Central Africa, meetings of the United Nations country teams in Cameroon, Gabon, the Congo and Sao Tome and Principe, and an ECCAS meeting of Heads of State and Government.

37. The Centre carried out joint missions with UNOCA: two to assess the impact of the crisis in the Central African Republic on Cameroon and the Congo; and one to examine the degree of the threat posed by Boko Haram in Cameroon and Chad. Other initiatives undertaken with UNOCA included the training of civil society actors (media and women political leaders) from the subregion on their role in contributing to peaceful electoral processes.

D. Countering discrimination, in particular racial discrimination, discrimination on the grounds of sex or religion and discrimination against others who are marginalized

38. The Centre provided training to the National Commission on Human Rights and Freedoms of Cameroon on non-discrimination and the protection of vulnerable and marginalized groups. It also provided assistance, including through capacity-building, to enable members of the Commission to better understand the context and obligations of the State under international human rights law. Moreover, the Centre identified areas of possible follow-up in relation to the Convention on the Elimination of All Forms of Discrimination against Women and carried out activities to raise awareness of the need to promote and protect the rights of women.

39. Also in Cameroon, the Centre continued to follow up on the adoption of the family code. Thanks to the assistance provided by the Centre, the family code has been drafted in compliance with international human rights standards and creates conditions for greater enjoyment of human rights for women and children.

40. The Centre sensitized and provided support to the national human rights institution, civil society organizations and other actors to strengthen their cooperation in advocating the ratification of the Convention on the Rights of Persons with Disabilities by Cameroon and its effective implementation.

41. There has been some progress in the Congo towards the implementation of the law on the promotion and protection of the rights of indigenous peoples. Several implementing decrees are currently under consideration by the Ministry of Justice, and the Centre has maintained a constant dialogue with the latter on the subject.

42. Within the framework of the United Nations Indigenous Peoples' Partnership, the Centre assisted the Government of Cameroon in incorporating the cultural needs of indigenous peoples in the educational system. In collaboration with the Ministry of Basic Education, the Centre thus contributed to the development of strategies and methods to adapt the educational programme to the culture and way of life of indigenous peoples. Further to the Centre's advocacy, the Ministry of Education took concrete measures, including the deployment of teachers, to ensure access to education to indigenous peoples located in isolated and remote areas of the country.

43. Furthermore, in line with its endorsement of the United Nations Declaration on the Rights of Indigenous Peoples, the Government of the Congo has undertaken various initiatives, notably the adoption of Act No. 5 - 2011 on the promotion and protection of the rights of indigenous populations. The adoption of the necessary implementing decrees was still pending at the time of reporting.

E. Combating impunity and strengthening accountability and the rule of law

44. In Sao Tome and Principe, the Centre organized a workshop for law enforcement and administration of justice officials and human rights non-governmental organizations, in June 2014, on their cooperation to ensure the effective protection of human rights. The Centre facilitated sustained dialogue and advocacy with high-level authorities, including the President of the Republic and the Minister of Justice, for the increased protection and promotion of human rights.

45. The Centre undertook follow-up activities to the third regional conference on transitional justice, held in Yaoundé, in April 2013. These included a mapping mission to Chad, which resulted in recommendations from civil society organizations, including the association of victims of the Hissen Habré regime, regarding the need for national consultations and sensitization on transitional justice in Chad. Following the mission, the Centre has been promoting national ownership of transitional justice processes in Chad by supporting locally planned initiatives. For example, the Groupe de réflexion pour la paix et le développement au Tchad, a Chadian group composed of transitional justice experts supported by the Government of Switzerland, has worked on elaborating a plan of action with activities to be implemented with technical support from the Centre.

46. In December 2014, in preparation for the Bangui Forum on National Reconciliation, the Centre organized with the Human Rights Division of the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic a workshop on transitional justice for civil society actors.

F. Strengthening international human rights mechanisms and the progressive development of international human rights law and standards

1. Ratification of international and regional human rights instruments

47. The Centre provided substantial technical assistance to Cameroon, the Congo, Gabon and Sao Tome and Principe to foster their continued engagement with human rights mechanisms.

48. In March 2014, as a result of the support provided to those countries and sustained advocacy, the Congo and Sao Tome and Principe ratified the Convention on the Rights of Persons with Disabilities and Gabon became the first country in the subregion to ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, on 1 April 2014.

49. The Centre continued advocating with the authorities the ratification of the Convention on the Rights of Persons with Disabilities by Cameroon. It also

advocated the ratification by Cameroon, the Congo, Equatorial Guinea, Gabon, and Sao Tome and Principe of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the International Convention on the Protection of All Persons from Enforced Disappearance.

50. The Centre actively and continuously advocates the abolition of the death penalty by countries in the subregion, which continued to observe a moratorium on the death penalty.

2. Reporting to human rights mechanisms and follow-up to their recommendations

51. During the period covered by the present report, the Centre raised the awareness of government authorities, national human rights institutions, civil society organizations and others actors with regard to the establishment of coordinating bodies for reporting to human rights mechanisms and following up on their recommendations. The increased engagement of States in the subregion with international human rights mechanisms is reflected in the growing number of requests to the Centre for technical assistance to support the drafting of reports and the implementation of recommendations.

52. In Cameroon, through training organized by the Centre, officials of the Ministries of Justice, External Relations, Women's Empowerment, and Labour and Social Affairs strengthened their capacities to monitor the implementation of recommendations issued by human rights mechanisms. The Centre has been providing guidance to the Ministry of External Relations on the follow-up to recommendations and concluding observations of human rights mechanisms.

53. Thanks to training and technical support provided by the Centre, during the monthly meetings of the Centre with civil society organizations in Yaoundé, discussions were held on challenges and strategies in the dissemination and implementation of and the follow-up to recommendations of the Human Rights Council, the human rights legal framework at the regional and international levels, and States' engagement with special procedures. Participants proposed joint actions, such as effective consultations with and the involvement of civil society in the elaboration of country reports, implementation monitoring and the establishment of accessible mechanisms for the dissemination of recommendations, including through operational and regularly updated websites. Civil society organizations also agreed to work together to facilitate the dissemination of and follow-up to recommendations.

54. In Gabon, civil society organizations and media professionals examined their role in monitoring the implementation of recommendations of human rights mechanisms, at a workshop organized by the Centre in September 2014. They identified various activities, such as radio programmes, field visits, regular discussions with the National Human Rights Commission and the General Directorate of Human Rights, which would allow them to monitor and advocate the implementation of the recommendations and ensure the accountability of duty bearers. Parliamentarians and relevant government focal points in Gabon and the Congo also examined their role in monitoring and ensuring the effective implementation of recommendations of human rights mechanisms during national workshops organized by the Centre with the Ministries of Justice, in June and September 2014.

3. Cooperation with special procedures and regional human rights mechanisms

55. In 2014, the Government of Cameroon extended a standing invitation to special procedures mandate holders of the Human Rights Council, further to sustained advocacy by the Centre and a recommendation issued during the country's second round of the universal periodic review.

IV. Challenges faced by the Centre

56. The complex security context which has been marking the subregion during the period under review greatly affected the work of the Centre. Staff members from the Centre supported a number of activities to contribute to the United Nations response to the expansion of Boko Haram and other developments in the subregion.

57. There are national human rights commissions in Cameroon, Gabon, Equatorial Guinea and the Congo. However, those institutions generally remained underresourced. In Gabon, some members of the National Human Rights Commission were reported to have been working on a voluntary basis. This situation created additional challenges to the efforts made by the Centre to strengthen their capacities, and risks discouraging rights holders whose complaints cannot be given the required follow-up.

58. Financial resources of the Centre were insufficient to meet all requests for technical assistance received from priority countries to improve their engagement with human rights mechanisms.

V. Conclusions and recommendations

59. **During the reporting period, the Centre was able to provide technical assistance in Cameroon, the Congo, Equatorial Guinea, Gabon and Sao Tome and Principe. It carried out regular missions in those countries, focusing on strengthening the capacities of Governments, civil society organizations and national human rights institutions to develop an effective national human rights protection system.**

60. **The close cooperation between the Centre and countries in the subregion contributed to increasing awareness of human rights among civil society organizations, national human rights institutions and the population, and reinforced the commitment of government authorities to implement their human rights obligations, including the integration of human rights in their programmes.**

61. **In addition to undertaking capacity-building and awareness-raising activities, the Centre provided assistance with legislative, policy and institutional strengthening, and engagement with human rights mechanisms. On the latter point, visits of special procedures mandate holders of the Human Rights Council in the subregion would be welcome, especially in relation to indigenous peoples, human rights and business, human rights defenders, freedom of expression and the independence of the judiciary. The effective presence of the Office of the United Nations High Commissioner for Human**

Rights in the countries covered and continued dialogue with the authorities have generated an increased number of requests for assistance from States.

62. **I recommend that Governments in the subregion continue to support and facilitate the work of the Centre and take concrete steps towards the effective implementation of the human rights treaties that they have ratified, as well as all relevant recommendations from the United Nations human rights mechanisms. Furthermore, subregional organizations should continue to cooperate with the Centre for the protection and promotion of human rights and the development of democracy.**

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Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories

Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories

Note by the Secretary-General*

The Secretary-General has the honour to transmit to the members of the General Assembly the forty-seventh report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories, submitted pursuant to General Assembly resolution 69/90.

* The present report was submitted after the deadline owing to the delayed nomination of the new members of the Special Committee and the consequent late annual mission undertaken to the region.

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Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories

Summary

The present report contains information regarding the efforts of the Special Committee to implement its mandate and on the human rights and humanitarian situation in the occupied Arab territories over the past year. The report includes information on consultations with Member States in Geneva, followed by a mission to Jordan in August 2015. It addresses the situation of Palestinian detainees, including children in Israeli detention facilities. It also focuses on Israeli policies and practices related to settlement expansion and settler violence in the occupied Palestinian territories and the occupied Syrian Golan, demolition of homes and forcible transfer of Palestinians; interference by Israel with international humanitarian assistance; lack of reconstruction in Gaza and its consequences for the rights of Palestinians and the access-restricted areas. The Committee also examines the situation of Palestinian residents in East Jerusalem and issues relating to business and human rights in the Occupied Palestinian Territory and the occupied Syrian Golan.

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I. Introduction

1. The Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories was established in 1968 by the General Assembly in its resolution 2443 (XXIII). The Committee is currently composed of three Member States: Sri Lanka (Chair), Malaysia and Senegal. In 2015 the Committee was represented by three new members: the Permanent Representative of Sri Lanka to the United Nations in New York, Amrith Rohan Perera; the Permanent Representative of Malaysia to the United Nations in New York, Ramlan Bin Ibrahim; and the Minister Counsellor in the Permanent Mission of Senegal to the United Nations Office at Geneva, Aboubacar Sadikh Barry.

II. Mandate

2. The mandate of the Special Committee, as set out in General Assembly resolution 2443 (XXIII) and subsequent resolutions, is to investigate Israeli practices affecting the human rights of the Palestinian people and other Arabs of the occupied territories. The occupied territories are considered those remaining under Israeli occupation since 1967, namely, the occupied Syrian Golan and the Occupied Palestinian Territory, which comprises the West Bank, including East Jerusalem, and the Gaza Strip.

3. The present report is submitted pursuant to General Assembly resolution 69/90, in which the Assembly requested the Special Committee, pending complete termination of the Israeli occupation, to continue to investigate Israeli policies and practices in the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967, especially Israeli violations of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and to consult, as appropriate, with the International Committee of the Red Cross according to its regulations in order to ensure that the welfare and human rights of the peoples of the occupied territories are safeguarded and to report to the Secretary-General as soon as possible and whenever the need arises thereafter. The report covers the period from 5 June 2014 to 10 August 2015.

III. Activities of the Special Committee

A. Consultations with Member States in Geneva

4. The Special Committee held its annual consultations in Geneva on 2 August 2015 with Member States concerned with the implementation of General Assembly resolution 69/90. The consultations were held with a view to discussing the most pressing matters to be addressed in the Committee's report to the Assembly. The Committee met with the Permanent Observer of the State of Palestine and the Permanent Representatives of Egypt, Jordan, the Syrian Arab Republic and Turkey. A meeting was also arranged with a senior representative of the Office of the United Nations High Commissioner for Human Rights.

5. During the discussions, representatives of Member States expressed support for the work of the Special Committee, but also expressed concerns about the

worsening situation in the occupied territories and the lack of accountability that had accompanied the violations that had taken place. Member States also raised as a matter of concern the lack of cooperation by Israel with the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, and all committees so far established on the situation of the Occupied Palestinian Territory, including the Special Committee. The Syrian Arab Republic requested that more focus on issues related to the occupied Syrian Golan be dedicated in future reports of the Committee and assured security guarantees for the Special Committee should it visit Damascus in 2016.

6. Major concerns raised by Member States included: settlement expansion; settler violence; the situation of detainees and the deplorable conditions in detention centres, the force-feeding bill and its potential implementation, and administrative detention; excessive use of force; the demolition of Palestinian homes and the forcible transfer of Bedouin and herder communities in the West Bank, including East Jerusalem; land grabbing; the negative impact of excavations being conducted under the al-Aqsa mosque and the difficulties experienced by Palestinians in accessing the mosque; the blockade of Gaza; and the general lack of accountability and remedy that accompanied all those violations.

7. The Special Committee was briefed on the outcome of the Commission of Inquiry on the 2014 Gaza conflict. It was informed that for the first time the resolution on the Occupied Palestinian Territory had focused on ensuring accountability and justice for all violations of international law in the Occupied Palestinian Territory, including East Jerusalem.

8. Concerns raised during the consultations helped to inform the Special Committee's annual field mission and were taken into consideration for the present report.

B. Field mission to investigate Israeli practices

9. The Special Committee wrote to the Government of Israel on 15 May 2015 requesting access to the Occupied Palestinian Territory and other Arab territories occupied since 1967. As in previous years, no response to the letter was received from Israel. The Committee was therefore unable to hold consultations with the relevant Israeli authorities, or to gain access to the occupied territories within its mandate. Owing to increased insecurity in the region, the Committee was also unable to visit the Gaza Strip through the Rafah crossing. Moreover, because of the prevailing security situation in the Syrian Arab Republic, the Committee was unable to travel to that country. Instead, it convened meetings with civil society representatives, witnesses, representatives of Bedouin and refugee communities, Palestinian officials and United Nations representatives in Amman from 4 to 8 August 2015. In a few instances, where witnesses were unable to travel to Amman, testimony and briefings were provided to the Committee by teleconference. The Committee expresses its appreciation to all those who provided testimony and briefings on a wide range of human rights- and humanitarian law-related issues.

10. On 10 August, at the end of its annual mission to Amman, the Special Committee released a press statement.[1] Documentation and other materials submitted to the Committee were carefully examined prior to the preparation of the present report and were archived by the secretariat. Information contained in the report is primarily based on testimony and submissions received by the Committee in August 2015.

IV. Situation of human rights in the occupied territories

A. Settlement expansion (Occupied Palestinian Territory and occupied Syrian Golan)

11. The Special Committee heard that continuing settlement expansion in the occupied West Bank and East Jerusalem was inextricably linked with a combination of restrictive planning policies for Palestinians, demolition orders on "illegal" Palestinian homes and structures built without permits and the oppressive and "coercive environment" fostered by settler violence. It was informed that securing building permits was almost impossible and that settlers resorted to vandalism and violence as a means to intimidate Palestinian communities, especially in Area C, with the aim of forcing Palestinians to leave their lands and making it available for further settlement expansion. Civil society representatives observed that once herders and farmers who had previously inhabited land in Area C were displaced to Areas A and B, they would be at significant risk of losing their agrarian culture and their livelihoods, making them more vulnerable to poverty in urban population centres.

12. Representations also noted the continued Israeli policy of settlement expansion in both the West Bank and the occupied Syrian Golan. Regarding the latter, members of the Special Committee were informed of financial incentives of up to $12,000 offered to Israeli families that settled there for a minimum of five years. The Committee was also informed of Israel's efforts to populate the occupied Syrian Golan under the "farms project", involving the establishment of 750 new farms. It was noted that 90 Israeli families had already been transferred to settle on those farms in 2015 and that the influx would continue at a rate of 150 families per year until all 750 farms were occupied. As part of the "farms project", Israel had reportedly illegally diverted water to irrigate those farms, thereby depleting water resources and depriving Syrians of their use. While there were no recent reported cases of major demolitions of property in the occupied Syrian Golan, civil society representatives indicated that demolition orders for Syrian properties issued in the past in the occupied Syrian Golan were still in place. It was also alleged that Israel had taken advantage of the instability generated by the Syrian conflict to further expand settlements and to exploit natural resources.

13. Civil society representatives highlighted the difficulties for Syrian residents living in the occupied Syrian Golan, including in the town of Majdal Shams, which was surrounded by an Israeli military camp and in close proximity to landmines. Members of the Special Committee heard that heavy rainfall heightened the risk of mines sliding closer to the town, putting children at particular risk.

[1] Available at www.unog.ch/unog/website/news_media.nsf/(httpNewsByYear_en)/EC1BBE47B460A02BC1257E9D00450373?OpenDocument.

B. Settler violence

14. The Special Committee was dismayed at the settler violence on 31 July 2015 in the village of Duma, southeast of Nablus, where settlers had attacked two Palestinian homes by smashing the windows and throwing flammable liquids in the rooms together with Molotov cocktails, setting the homes ablaze. The settlers spray-painted racist graffiti on the walls of the homes before reportedly fleeing to the nearby Ma'ale Ephraim settlement. The Dawabsha family lost their 18-month-old baby, Ali, in the arson attack. His father, Saad, mother, Riham, and their four-year-old son, Ahmad, sustained serious injuries and remained hospitalized. Members of the Committee learned that the father succumbed to his injuries on 8 August.

15. The attack generated international condemnation, including from Israeli officials, who portrayed the incident as an isolated case of terrorism. However, according to testimonies received by the Special Committee, settler violence continues to be a daily reality for many Palestinian communities, especially for those living in close proximity to Israeli settlements. The most common forms of settler violence were reported to be physical assault and stone throwing, but civil society representations noted that Palestinians had also continued to be subjected to grievous bodily harm caused by beatings with sticks, iron pipes, knives, arson attacks and, in some cases, shootings with live ammunition. It was also observed that in many cases, the Israeli security forces had often intervened on behalf of the settlers and had dispersed Palestinian crowds that had gathered to repel settler attacks. In that context, it was recalled that every settler served for at least three years in the Israeli security forces.

16. Representatives of non-governmental organizations (NGOs) also briefed the Special Committee, stating that high levels of stress, sleeping difficulties, anxiety and flashbacks were some of the consequences of settler violence for Palestinian communities. It was noted that many parents were unable to ensure the physical and emotional security of their own children in that environment and that reports of mental health difficulties were becoming increasingly common.

17. The highest levels of settler violence reportedly continued to be recorded in southeast Nablus, the south Hebron Hills, the northern Jordan Valley and East Jerusalem. Settler violence had also been reported in other areas that were contemplated for the construction or expansion of settlements. From 1 January to 30 June 2015, 42 settler attacks on Palestinian communities had resulted in casualties and 67 attacks had resulted in damage to Palestinian land and property in the occupied West Bank. According to an Israeli NGO, a Palestinian who filed a complaint against Israeli settlers had a 1.9 per cent chance that his or her complaint would lead to an effective investigation, which resulted in the identification of a suspect, followed by indictment, trial and conviction. It was apparent from the testimonies that the root cause of the escalating violence was the continuing policy of settlement expansion and the climate of impunity relating to the activities of the settlers.

C. Corporations and the exploitation of resources in the occupied territories

18. The Special Committee was also informed of the profiteering by several companies, directly and/or indirectly, from a wide range of illegal Israeli practices, which took an enormous toll on the daily lives of Palestinians. In submissions made to the Committee it was noted that private companies played a major role in funding, facilitating and supporting the Israeli occupation.

19. In the representations, the activities of corporations involved in settlements were grouped in three broad categories:

(a) Israeli settlement industry in the Occupied Palestinian Territory, which engaged in production in settlements, was involved in the construction of Israeli settlements, or provided services to the Israeli settlements;

(b) Control of the Palestinian population by constructing the wall and checkpoints, and the provision of private security or specialized equipment, such as surveillance and crowd control weapons;

(c) Economic exploitation by using Palestinian workers, Palestinian natural resources or the Palestinian captive market.

To exemplify the different categories, the following case studies were presented to the Special Committee.

1. Financing the Israeli occupation

20. Submissions listed a number of Israeli banks, such as the Mizrahi Tefahot Bank, the Discount Mortgage Bank of Israel Discount Bank, the First International Bank of Israel, the Bank of Jerusalem, Bank Hapoalim and the Leumi Mortgage Bank of Bank Leumi, as entities involved in sustaining the occupation. Their involvement, NGOs argued, was manifest through various activities, such as operating bank branches in settlements; providing financial services to occupation-related activity; providing mortgage loans for home buyers in settlements as economic incentives; providing financial services to Israeli local authorities in the West Bank and the occupied Golan; and providing special loans for building projects in settlements.

2. Exploitation of natural resources

21. Civil society representatives submitted that Ahava, an Israeli corporation, continued to exploit Palestinian natural resources by operating an excavation site for its mud products on the shores of the Dead Sea in the occupied territory. It was stated that the Israeli civil administration had confirmed that Ahava had held a licence since 2014 to operate a mud excavation site in the occupied area of the Dead Sea. It was also submitted that Ahava's mud, excavated from the occupied territories, had been spotted stored in the company's production site in the Mitzpe Shalem settlement in the Occupied Palestinian Territory, where the company also maintained a visitors' centre.

22. The Special Committee received several communications from Ahava during the reporting period. Ahava refuted the allegations that the mud used for its products was excavated from the Occupied Palestinian Territory. The company also invited

the Committee to visit its site in Israel to collect first-hand information on the allegations. However, since access to Israel was not granted to the Committee by the Government of Israel, a visit to the company did not materialize.

3. Corporate interdependency

23. The Special Committee was informed about attempts geared towards differentiating between an illegal settlement-based economy and an Israeli economy within the Green Line.[2] It was submitted that that separation was a misconception which overlooked the corporate interdependency in what essentially was one economy. Such an economy, it was contended, was comprised of Israeli and multinational corporations that continued to reap profit from the occupation, whether they had their headquarters in Israel or in the occupied territories. To illustrate that point, NGOs presented the case study of Tnuva, the largest Israeli dairy farm. Photographic evidence was presented to the Committee to demonstrate that Tnuva uses raw material for its dairy products from the dairy farms of Beit Yatir, Carmel, Migdal Oz and Rosh Tzurim, which are all settlements in the West Bank, and manufactures its final products in its main factory in Rehovot, in Israel.

4. Mislabelling settlement products

24. Although both Ahava and SodaStream's[3] commercial activity and presence are in the occupied West Bank, civil society representatives noted that those companies had their products labelled as "made in Israel" and their address listed as "Airport City". It was reported that reference to the "Airport City" address misled consumers into believing that the products were wholly produced or manufactured in Israel and avoided mention of addresses in the settlements of Mitzpe Shalem (Ahava's visiting centre and factory) and Mishor Adumim (SodaStream's factory) in the occupied West Bank.[4]

25. Similarly, examples of companies that exploit the occupation of the Syrian Golan were provided. The Special Committee was informed that in 2012 Israel had approved exploratory drilling for oil and natural gas in the occupied Syrian Golan. In 2013 the Petroleum Council of Israel's Ministry of National Infrastructures, Energy and Water Resources had granted Genie Energy Ltd[5] a drilling licence covering a radius of 153 square miles in the southern part of the Golan. Committee members were informed that the region concerned was half the area of the occupied Syrian Golan and extended from the settlement of Katzrin to Tzemach in the south.[6]

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[2] The Green Line refers to the demarcation lines set out in the 1949 Armistice Agreements between the armies of Israel and those of its neighbours (Egypt, Jordan, Lebanon and the Syrian Arab Republic).

[3] The main plant of this company (a manufacturer of home beverage carbonating devices) is located in the industrial zone of Mishor Adumim, an Israeli settlement in the West Bank.

[4] SodaStream has since closed its West Bank factory: see www.stltoday.com/business/local/sodastream-closes-west-bank-factory-to-move-to-israel/article_b59ed777-c07f-5aee-8d63-0a2af1342c83.html.

[5] Now known as Afek Oil and Gas Ltd.

[6] See www.caabu.org/news/news/press-release-caabu-calls-british-government-oppose-israeli-oil-and-gas-exploration-golan-.

26. It was also stated that in January 2012 the District Council for Planning and Construction had approved the construction of a 400-dunam wind farm to produce green energy to be sold to settlements only.[7]

27. In that connection, it was stressed that corporate actors needed to be held accountable for the impact of their activities on human rights. Governments and business both had roles and responsibilities with regard to the protection of and respect for the human rights of the Palestinian people. Moreover, it was stressed that the responsibility for ensuring corporations' respect for human rights should also lie with third countries, which should cease to fund or enter into commercial transactions with organizations and bodies involved in settlements or the exploitation of natural resources in the Palestinian and Syrian occupied territories.

D. House demolitions and forcible transfer

28. Since August 2014, the United Nations Office for the Coordination of Humanitarian Affairs has recorded 218 separate incidents resulting in the destruction of 543 Palestinian-owned properties, predominantly in Ein al-Hilwa, Umm al-Jimal, Al-Jiftlik, Abu al-Ajaj, Al-Makhul and Abu Kbash, across the Jordan valley. The demolished structures included residential shelters, schools, water cisterns and animal pens. The Special Committee noted that up to 3,495 individuals, including 1,592 children, had been adversely affected during that period.

29. In civil society representations, the case of Susiya, in the Hebron district area, was raised as a community at imminent risk of demolition and forcible displacement. The entire village, home to an estimated 320 Palestinians, had been slated for such action. The demolition order was reported to include 170 structures, including 34 residential tents and shacks, 26 animal shelters, 20 water cisterns, 21 latrine units, 2 clinics, a school and a kindergarten. In that context, civil society representatives recalled Israel's legal obligations as the occupying Power in the West Bank to protect the Palestinian civilian population and to administer the territory for the sole benefit of Palestinians. It was emphasized that international law prohibited the forcible transfer or displacement of civilians and the destruction of private property.

30. The Special Committee heard testimony from a Bedouin representative of the Jahalin tribe in the occupied West Bank, regarding the threat of demolitions and expulsion faced by Bedouins from their current communities to one of three designated sites. Clarification was provided that the Bedouins wished to remain in their current communities and that any forcible transfer to an urbanized site would pose a threat to their traditional customs and livelihood.

31. The Special Committee was informed that over the past three years, some 1,705 Palestinian structures had been demolished and 2,829 Palestinians had been displaced across the West Bank. It was apparent from the testimonies that Israel was implementing a deliberate policy of demolition and displacement of Palestinian communities in order to make way for Israeli settlement expansion.

32. Civil society representatives provided photographic evidence of demolitions under way in the communities of Almaleh and Yarza, among others, and of the

[7] See www.al-monitor.com/pulse/originals/2013/02/more-bad-timing-from-israel.html.

hoarding of boards by Israeli companies that sold settlement homes erected on the very places where the demolitions had taken place. The representatives reported that the demolitions and displacement had occurred in the context of Israel's E1 plan of connecting the Ma'ale Adumim settlement with Jerusalem, which would jeopardize the contiguity of a future Palestinian State.

33. The Special Committee was briefed extensively on the situation of 46 Bedouin communities, comprising an estimated 7,000 persons, in the central West Bank (Area C). The community was at risk of forcible transfer owing to a plan advanced by the Israeli authorities to "relocate" them to one of three designated township sites (Nweima, Al-Jabal and Fasayil). The Committee shares the fears of civil society representatives that Israel's implementation of the E1 plan would divide the occupied West Bank and further undermine Palestinian territorial integrity.

E. Human rights violations in East Jerusalem

34. On the basis of numerous representations, it became apparent that Israeli policies in the West Bank, including East Jerusalem, had the common objective of forcible displacement and the fostering of a hostile environment that contributed to the settlement expansion. It was noted that since the 2014 conflict in Gaza, Palestinian residents of East Jerusalem had been subject to regular heavy-handed policing in response to demonstrations. One civil society representative noted that "the main goal of this repression was not to restore order but to restore fear, engraving on the Palestinian body the price they will have to pay for disobedience of Israeli rules and for daring to challenge Israeli authority". He added, "they [Israel] can make life so hard that Palestinians will choose to leave".

35. Among the main concerns brought to the attention of the Special Committee were the daily movement restrictions imposed consequent to the illegal separation wall, with implications, inter alia, for the right to health and education,[8] the near impossibility of legally constructing new homes owing to the non-issuance of permits and the revocation or non-issuance of Jerusalem identity papers. These restrictions had serious consequences for the basic socioeconomic rights of Palestinian families.[9] In that context, Committee members were told that a newly married Palestinian couple could not live together in East Jerusalem if only one of them had a Jerusalem identity paper.

36. Some Palestinian officials alleged that in efforts to facilitate settlement expansion, Israeli authorities would embed old Hebrew coins into the walls of some homes in East Jerusalem, during restoration works, to later claim the Jewish heritage of buildings in cases where ownership was contested. Special Committee members were also briefed on changes to names of streets and buildings, and the refusal of municipal authorities to incorporate Palestinian curricula to teach Palestinian history and culture in schools as clear-cut examples of what was called "Judaization" in East Jerusalem.

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[8] The Committee recalls that the July 2004 advisory opinion of the International Court of Justice found that "the construction of the wall being built by Israel, the occupying Power, in the Occupied Palestinian Territory, including in and around East Jerusalem, and its associated régime, are contrary to international law". See www.icj-cij.org/docket/index.php?pr=71&code=mwp&p1=3&p2=4&p3=6.

[9] See also paras. 42-44.

37. Israeli efforts to deprive Palestinian residents of East Jerusalem of their right to development were also highlighted. The disparity of municipal resources provided to East and West Jerusalem was used to elucidate that argument. The vast majority of the budget was reportedly being funnelled to the latter, despite the fact that 75 per cent of Palestinian families in East Jerusalem lived under the poverty line.[10] The failure of the Municipal Council to address the structurally unsafe buildings in the Shufat refugee camp in East Jerusalem, despite the risks of an earthquake, was underscored as one consequence of budgetary discrimination.

F. Al-Aqsa mosque

38. The Special Committee learned of the tensions surrounding the al-Aqsa compound, aggravated by regular restrictions on entry for Palestinians, in particular for men under 60 years of age, who required special access permits. While Israel had eased those restrictions at times, including most recently during the holy month of Ramadan, in June, Committee members were informed that such temporary measures did not address the source of the tensions.

39. In that context, civil society representatives observed that the Jewish Temple movement, according to which the al-Aqsa mosque should be demolished to make way for the Jewish Third Temple, was growing stronger each year.[11] The Special Committee also heard that some individuals believed archaeological excavation works undertaken by the Israeli authorities around the al-Aqsa site were a deliberate attempt to undermine the structural foundations of the mosque to accelerate its collapse.

40. Members of the Special Committee were informed that apparent provocations by Jews, including praying and alleged consumption of alcohol within the al-Aqsa compound, had led to frequent clashes that had spilled into the mosque. On 26 July 2015, just a week prior to the Committee's fact-finding visit to Amman, skirmishes between Palestinians and Jewish extremists reportedly had resulted in Israeli police storming the mosque and closing the gates of the compound.

G. Legislative measures

41. The Special Committee was briefed on a series of legislative measures, either adopted or under discussion in the Knesset, which have a negative impact on the human rights of Palestinians.

1. Prevention of damage by hunger strikers

42. Several Palestinian detainees in Israeli detention had been on hunger strike to protest against administrative detention, where alleged perpetrators were held without charge or trial, and against the treatment they had been subject to in Israeli prisons and detention centres. As of March 2015, 396 Palestinians, including one woman, reportedly had been held in administrative detention by the Israel Prison Service facilities. In July 2015 the Knesset had approved the Prevention of Damage

[10] East Jerusalem, with 37.7 per cent of the population of Jerusalem, received only 10.73 per cent of the municipal budget in 2015, as opposed to 89.27 per cent allocated for West Jerusalem.

[11] The Committee heard that Jews were allowed to enter the compound, but forbidden to pray there.

by Hunger Strikers bill, which would allow the head of the Prison Service to submit a motion to a district court and request permission to force-feed a prisoner on hunger strike. If the judge ruled that force-feeding was permitted in a particular case, medical personnel would be able to feed hunger strikers against their will and use force to do so.

43. Under international humanitarian law, force-feeding, or the use of threats of force-feeding or other coercive actions against prisoners/detainees who had adopted peaceful means of protesting, was illegal. Prisoners, like any other individuals, had the right to resort to peaceful protests. All suspects, whether Palestinian or Israeli, under administrative detention should be promptly charged, or released. The Special Committee was informed that in Israel administrative detainees were held without charge or trial, often on the basis of secret evidence, for periods of up to six months, which were extendable indefinitely.

44. The use of administrative detention under international humanitarian law was allowed under exceptional circumstances and for short periods of time. The bill was adopted despite the concerns raised by the Special Committee in 2014.[12]

2. Amendment to the Penal Code: harsher sentences for stone throwers

45. The Special Committee was also briefed about an amendment to the Penal Code, which increased the maximum sentence for individuals convicted of throwing stones or other objects at vehicles from 10 years to 20 years if the intent to harm the occupants of the vehicle was proven, and up to 10 years when intent to harm the occupants of the vehicle could not be established. The Committee was also informed that throwing stones at a police vehicle could result in a punishment of up to five years of imprisonment.

46. The current amendment applied to Israel and East Jerusalem, while similar penalties had been in force in the Occupied Palestinian Territory under military orders. The Special Committee is of the view that the punishment is excessive or disproportionate to the alleged crime of "throwing stones" and young Palestinians will be the most affected.

3. Absentees' Property Law of 1950

47. The Special Committee was informed about the Absentees' Property Law of 1950, which allowed the Government of Israel to seize the property, including land, money and other goods, of absentees,[13] Palestinians who had been expelled, fled or had otherwise left Israel.

48. Civil society representatives explained that in 1967 Israel had extended the application of Israeli law, including the Absentees' Property Law, to the Israeli-annexed Palestinian area. As a result, Palestinians living in the West Bank outside the borders of the annexed area became "absentees" within the definition of the

[12] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14665.

[13] An "absentee" is defined as encompassing any person who owned or held any property situated within the area of the State of Israel and who, on or after 29 November 1947: (a) was a citizen of Lebanon, Egypt, the Syrian Arab Republic, Saudi Arabia, Jordan, Iraq or Yemen; (b) was in one of those countries or in any part of Palestine outside the area of Israel; or (c) was a Palestinian citizen and left his ordinary place of residence either for a place outside Palestine before 1 September 1948, or for a place in Palestine held at the time by enemy forces.

Law. Consequently, any property owned within the annexed area by such Palestinians was allowed to be seized by Israel. The Special Committee was informed that in the first years after the annexation, various Israeli Attorneys General had acknowledged that there was no justification for seizing such property, recognizing that it would be unreasonable to apply the 1950 Law in circumstances where the owners had done nothing to make themselves "absent" and could only be deemed "absentees" by virtue of a legal technicality owing to no fault of their own. However, it was noted that in recent years, the Law had been used by Israel to expropriate Palestinian-owned land in East Jerusalem, often in order to transfer it to Israeli settler organizations. Most recently, on 15 April 2015, the Israeli Supreme Court, in the case of *Custodian of absentees' property, et al., v. Daqaq Nuha, et al.*, had affirmed the application of the Absentees' Property Law, allowing for the continued confiscation of property and assets in occupied East Jerusalem whose owners resided in the West Bank or Gaza.

49. It was stated that the Supreme Court had dismissed the appeal, effectively confirming the "legality" of past expropriations and allowing for more confiscations of such properties in future. The Court had imposed some safeguards on the operation of the Law in relation to East Jerusalem — such as a requirement that any future expropriations "be approved in advance by the Israeli Attorney General and by the Israeli Government or a designated ministerial committee". However, questions remained about the very notion of such confiscations and whether the safeguards the Court imposed would have any significant restraining effect.

H. Situation of Palestinian detainees

50. According to NGOs, an estimated 5,700 Palestinians continued to be held in Israeli detention as of July 2015, including 400 persons under administrative detention, 160 children (22 under 16 years of age), 26 female prisoners and 7 members of the Palestinian Legislative Council. Members of the Special Committee were informed that in most cases of arrest and detention of minors, the charge was for alleged stone-throwing during demonstrations or clashes with Israeli soldiers. Of note, 13 detention centres and 4 interrogation facilities reportedly held those detainees, with all but Ofer Prison, located inside Israel, in violation of the Fourth Geneva Convention.

51. Palestinian officials provided disturbing accounts of ill-treatment and torture of detainees, including children, which involved regular beatings, the administration of electric shocks and solitary confinement. Moreover, Palestinian detainees were reportedly often denied access to their lawyers and forced into making confessions. The Special Committee heard that forcing Palestinian detainees, especially children, to sign confessions in Hebrew, a language they did not understand, was still being practised.[14]

52. Despite some changes to the interrogation procedures in respect of Palestinian children introduced by Israel in recent years, it was reported that safeguards, such as the requirement for audiovisual recordings of interrogations, were being sidestepped. In many instances, it was reported that prison authorities would undertake two rounds of interrogations, the first using a forceful and intimidating

[14] See A/69/355, paras. 25-32.

interrogator to obtain a confession without any recording taking place, and a second recorded round, where a confession was obtained from the child by a different interrogator using non-coercive means. Civil society representatives noted that military court judges were rarely open to hearing allegations of illegal extraction of confessions, thus making it difficult to prove that detainees had made forced confessions.

53. The Special Committee shares the concern of civil society representatives that the conviction rate for Palestinians arrested by Israeli security forces persisted at a worrisome 99 per cent, which led many detainees, including children, to enter into plea bargains to reduce the time spent in prison. It was noted that such a high conviction rate indicated a clear disregard for the presumption of innocence and reflected questionable regard for due judicial processes.

54. Israel's continuing use of administrative detention was again, in 2015, at the centre of protests by Palestinian hunger strikers. Palestinian officials described Israel's use of administrative detention[15] as its "routine alternative to criminal proceedings", in violation of article 78 of the Fourth Geneva Convention. Members of the Special Committee were briefed on the situation of one hunger striker, Mohammad Allan, a 30-year-old Palestinian administrative detainee from Nablus district, who was entering his fiftieth day of hunger strike in protest of the third renewal of his administrative detention order.[16]

55. Concerns over the force-feeding bill adopted recently by the Israeli Knesset, intended to address hunger strikers, were also raised in testimonies. One Palestinian official who had spent 12 years under Israeli detention described force-feeding through the nasal cavity and into the stomach as a painful experience, noting that three Palestinian detainees had died during the 1980s as a result of food entering the lungs during that procedure. Numerous representations made to the Special Committee shared the view that force-feeding constituted a form of torture.

56. Concerns were also raised about reports of continued medical negligence in Israeli detention centres and the lack of adequate medical care. The Special Committee heard that sick detainees with serious conditions, such as cancer, were often treated with painkillers. It was reported that at least 120 cases of cancer among Palestinian detainees had gone untreated.

57. Civil society representatives also reported on the alleged disturbing trend of unleashing police dogs within detention facilities as a means to quell protests or to punish and intimidate detainees who complained of poor prison conditions. The forms of punishment appeared to extend to family visitation rights, whereby for some detainees, family visits would be entirely denied on the basis of a security pretext, which led to further adverse social and psychological consequences for the

[15] Administrative detainees are held in detention on the basis of an administrative order without charge or trial for an initial period of six months, which detention is renewable indefinitely. International law and standards stipulate that administrative detention may be exercised only in very exceptional cases and only as a last possible resort, when there are no other means available, and only in time of public emergency which threatens the life of the nation (arts. 4.1 and 4.3 of the International Covenant on Civil and Political Rights, and art. 78 of the Fourth Geneva Convention).

[16] It was reported that on 19 August 2015, the Supreme Court of Israel suspended Allan's administrative detention order owing to his deteriorating medical condition. If the neurological damage is found to be irreversible, the order will reportedly be voided.

detainee. Civil society representatives also complained about prisoners being shackled while bathing or using toilets, which was humiliating and degrading.

I. Israeli interference with the delivery of international aid

58. The Special Committee recalls that in its previous report (see A/69/355), it noted the emerging disturbing trend of Israeli interference with donor-funded international humanitarian assistance provided to the most vulnerable Palestinians, such as those Bedouin communities subjected to demolitions and forced displacement. Testimony heard in 2015 indicated that the number of donor-funded structures affected by Israeli demolition orders and confiscations during the first and second trimester rose 37 per cent (11 structures destroyed on average per month) compared to 2014 (8 structures destroyed on average per month). A Bedouin representative informed the Committee that in his community, seven solar panels had recently been expropriated by the Israeli authorities. He briefed the Committee on settler vigilante groups that informed the authorities of "illegal constructions" undertaken by the Bedouins.

59. Among the 543 Palestinian-owned properties demolished since August 2014, 105 were donor-funded structures provided in the form of humanitarian assistance from the European Union and other international donors. It was reported that the estimated minimum direct monetary impact on humanitarian aid through destruction from January to August 2015 amounted to $458,000.

60. It was recalled that Israel, as an occupying Power, was bound by international humanitarian and human rights law provisions to facilitate the delivery of humanitarian aid in line with article 43 of the Hague Regulations, articles 30, 55 and 56 of the Fourth Geneva Convention and article 69 of Protocol I additional to the Geneva Conventions.

J. Excessive use of force by Israeli security forces

61. Representatives of Palestinian ministries and civil society briefed the Special Committee on the continuing regularity of excessive use of force by Israeli security forces, as noted in previous reports of the Committee to the General Assembly. While the Office for the Coordination of Humanitarian Affairs noted that there had been an overall decline in the number of violent clashes between Palestinians and Israeli security forces in the first half of 2015 compared to the previous six months, it concurred with the widely held view that Palestinian civilians reportedly killed or injured in the context of crowd control or the suppression of clashes by Israeli security forces was all too frequent.

62. In that regard, representatives of civil society and the United Nations representatives remarked on the frequent use by Israeli soldiers of "rubber bullets", aimed not at the lower body, but rather at the upper body and face, which at times led to fatal injuries. As of 5 August, 18 Palestinians had been reported as killed by Israeli security forces in the West Bank in 2015.

63. The Special Committee heard testimony from Mr. X, a Palestinian living in the Aida refugee camp in the occupied West Bank, who recounted the near-daily incursions of Israeli soldiers into the camp for up to 20 hours a day, including night-

time raids. He noted that Israeli soldiers acted more violently once inside the camp during demonstrations, using both tear gas and rubber bullets, at times indiscriminately, and in people's homes. Committee members viewed supporting video evidence of those allegations and witnessed the seemingly random firing of a tear gas canister into a busy children's playground, as well as the use of dynamite by Israeli soldiers in a residential area, as a means of intimidating the local civilian population.

64. It was reported that in the past three years alone, at least two Palestinians from the Aida refugee camp had allegedly been killed by excessive use of force employed by Israeli security forces. In one incident, on 18 January 2013, a 15-year-old Palestinian from Aida had been shot in the head by Israeli soldiers from a distance where he posed no danger to them. On 15 April 2014, a 44-year-old Palestinian asthma sufferer died from the effects of a tear gas grenade fired into her home by Israeli soldiers. In addition, 70 Palestinians from the Aida refugee camp, mostly from 14 to 25 years of age, were reportedly arrested and detained in the context of clashes with Israeli soldiers. Half of them were still in prison.

65. Mr. X also recounted his own experience of being shot in the face while filming an Israeli incursion into the Aida camp on 8 April 2013. As a result of his injury, he required reconstructive surgery and remained in hospital for 17 days. According to his testimony, Israeli soldiers conducted a night-time raid on his family home in search of Mr. X on the same day he was released from hospital. While he was not present at the time, Israeli soldiers had arrested him as soon as he had returned to his family home two months later and he had been subjected to 11 days of detention, during which time he had been repeatedly beaten in the face despite his pleas to spare him from aggravating his injuries. Upon his release, Mr. X had reportedly been ordered to pay $500 by the military court.

K. Search and arrest operations: the impact on women and children

66. According to the information received by the Special Committee, the excessive use of force extends beyond crowd control to search and arrest operations undertaken by Israeli security forces to detain Palestinians accused of involvement in stone-throwing protests. The practice of night-time raids reported in past years has seemingly continued, with forceful entry into homes by Israeli soldiers past midnight followed by the blindfolding and handcuffing of suspects, including children, to be taken away for detention and interrogation.

67. The Special Committee was also informed of a rise in the use of military and police dogs against Palestinians, including women and children, at the time of arrest, to induce fear and intimidation. Night-time raids on family homes were also reported to be particularly humiliating for women in the families, who were threatened and intimidated in their own homes. The Committee also heard that often when children were detained by Israeli security forces, the entire family could be subjected to interrogation.

68. The loss of dignity during search and arrest operations, often during the night, on family homes was a common thread among testimonies. The representative of a women's rights organization recounted the detrimental longer-term psychological and physical impact of those practices on the well-being of women. Under heightened levels of stress, some women would no longer be able to sleep at night

in fear of midnight raids by soldiers. It was noted that the impact of those raids had direct consequences for the behaviour of children, as many mothers found it increasingly difficult to discipline their own children. A rise in school drop-out rates among children was also attributed to the disruptive influence of night-time raids conducted by Israeli security forces.

L. Gaza reconstruction and the blockade

69. The Special Committee was briefed about the escalation of hostilities in Gaza in 2014 and the consequent devastating effects on the people and infrastructure. Over 2,200 Palestinians had been killed, 10,670 had been injured and about 25,000 housing units had either been fully destroyed or had sustained major damages owing to the hostilities. In addition, at the peak of the hostilities, approximately 500,000 Palestinians, almost one third of the entire population of Gaza, had been internally displaced.

70. Civil society representatives underscored the fact that the already prevailing humanitarian crisis in Gaza, owing to the 2009 and 2012 escalation of hostilities and continued blockade of Gaza, was exacerbated as a result of the 2014 hostilities. As a result of the significant delay in reconstruction efforts since the ceasefire in August 2014, approximately 100,000 Palestinians remained displaced as of August 2015. Those Palestinians continued to live in precarious conditions in temporary accommodation or with host families.

71. The Special Committee heard that Palestinians living in Gaza continued to struggle with access to basic services, such as electricity, water and sanitation, medical services and housing. Several schools destroyed during the hostilities had yet to be rebuilt or fully functional. Of an estimated $4 billion needed to reconstruct Gaza, less than a third of that amount had reportedly been disbursed by August 2015. Civil society representatives urged donors to step up support and honour the financial pledges made in Cairo in October 2014 to alleviate the serious and urgent humanitarian situation in Gaza.

72. The Special Committee shares the view of several NGOs that pointed out that the blockade of Gaza was a principal obstacle to the enjoyment of economic, social and cultural rights, and the welfare of Palestinians in Gaza. In particular, the rights to work, health, education, housing and an adequate standard of living, the right to freedom of movement and access to religious sites in East Jerusalem had been restricted owing to the blockade. Such denial of rights had resulted in entrenched poverty and conflict in the Gaza Strip. On 16 February 2015, Israel had increased the quotas for permits to exit through Erez for specific categories: patients requiring medical treatment in Israel, from 80 to 120 per day, and traders, from 400 to 800 per day. Statistics on the number of persons entering Israel from Gaza through Erez in 2014 showed an increase since 2008.[17] However, compared to the statistics of 2004-2005, the increase in the number of persons allowed to travel out of Gaza through Erez remained negligible. The Committee notes that the legality of the blockade itself has been called into question by the United Nations and reiterates the repeated calls of senior United Nations officials for the blockade to be lifted immediately.

[17] See www.ochaopt.org/documents/gaza_crossings_trends_in_movement_of_people_and_goods.pdf.

73. The Rafah crossing, between Gaza and Egypt, has been almost completely shut down since October 2014. The crossing is used mainly by patients and their companions, foreign nationals or residents, persons with entry visas to other countries and those individuals who had received a special permit from Egypt. In 2014 an average of 8,119 exits and entries a month were recorded at the crossing. From November 2014 to May 2015, the crossing operated for only 15 days. While the closure of Rafah has an impact, one way or the other, on several thousands of Palestinians in Gaza, at least 30,000 Palestinians registered to cross through are immediately and directly affected.[18]

74. The Special Committee was informed that Israeli security forces continued to enforce "the access-restricted areas", which severely restricted access by Palestinians in Gaza to land and sea. In access-restricted areas the continued use of live fire by Israeli security forces had resulted in the injury and death of several Palestinians in 2015. Civil society groups mentioned that the precise areas concerned, both on land and sea, were unclear,[19] but up to 35 per cent of Gaza's agricultural land and as much as 85 per cent of its fishing waters had been affected at various points. Access to farmland within 300 metres of the perimeter fence separating Gaza from Israel was largely prohibited, while presence several hundred metres beyond that distance was still considered risky.

75. The restricted access by fishermen to fishing waters had also continued and fishermen were reportedly denied access to the most profitable fishing areas that started at eight nautical miles from shore. Access-restricted areas at sea had varied from three to six nautical miles at different periods. From January to June 2015, 91 incidents involving live ammunition fired by Israeli naval forces had resulted in the killing of 14 Palestinian fishermen. Twenty-one incidents of arrests and confiscation of five fishing boats and nets had also been recorded.[20] Fishermen, who were interviewed by the Special Committee, testified that after the Israeli naval forces had confiscated their fishing boats while at sea, some of them had been forced to undress and swim up to the Israeli naval vessel to be arrested. Preventing Palestinians from accessing their land and fishing areas violated a number of rights guaranteed under international human rights law, including the right to work, the right to an adequate standard of living and the right to the highest attainable standard of health.

76. A combination of the blockade of Gaza, the closure of Rafah, the lack of progress on Gaza reconstruction and the prolonged and severe humanitarian crisis had undermined the people's hopes for a secure, prosperous and dignified future.

77. Further impairing the situation was the financial crisis faced by the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA). In the course of the representations made in early August, the likelihood of having to postpone the school year and its possible consequences was brought to the attention of the Special Committee. It was stated that education was a fundamental human right guaranteed under international human rights law and the deprivation of that right would not only affect the future of Palestine generations,

[18] See http://unispal.un.org/UNISPAL.NSF/0/60072574F272777C85257E8100460FE5.

[19] See www.pchrgaza.org/portal/en/index.php?option=com_content&view=article&id=11168:gaza-strip-attacks-in-the-border-areas-and-their-consequences&catid=144:new-reports.

[20] See www.pchrgaza.org/portal/en/index.php?option=com_content&view=article&id=11176:israeli-attacks-on-fishermen-in-the-gaza-sea&catid=56:fact-sheets-&Itemid=18.

but could also subject children to the influence of extremist elements. The Committee shares the view that unless UNRWA is sufficiently funded, its role in the occupied territories would be seriously undermined, and that the international community should ensure timely and adequate funding to sustain UNRWA activities. At the time the present report was being drafted, UNRWA announced it had overcome a deficit amounting to $101 million and the school year would not have to be delayed.

M. Lack of accountability and the right to legal remedy

78. The lack of accountability for human rights and humanitarian law violations by Israel was highlighted by various civil society groups as a cross-cutting issue that required urgent attention. A culture of impunity continued to prevail for human rights and humanitarian law violations committed against Palestinians. Lack of accountability has been consistently raised by the Special Committee in its reports to the General Assembly.

79. Representations were also made by civil society representatives to demonstrate a lack of willingness by Israeli authorities to meaningfully investigate alleged violations of international human rights and humanitarian law committed during the 2014 escalation. It was alleged that the investigations conducted by the Military Advocate General's corps into "exceptional" cases during the conflict was insufficient to address widespread concerns, for example, in relation to policy issues and potential breaches of law by senior military officials. Civil society representatives also pointed out that Israel's track record following the 2009 and 2012 escalations demonstrated its unwillingness to bring perpetrators of alleged human rights and humanitarian law violations to justice.

80. Apart from the prevailing impunity, submissions were made on the challenges faced by Palestinians in Gaza in securing compensation, as a part of the right to reparation for victims of violations of international human rights law and serious violations of international humanitarian law. The Special Committee heard that some of the policies imposed by the Government of Israel effectively denied the Palestinian victims access to justice. Those policies were represented in a series of decisions, measures and amendments on the Israeli Civil Wrongs (Liability of the State) Law of 1952 and the Israeli Civil Code. For example, amendment No. 4 to the Law, issued by the Knesset on 24 July 2002, reduced the statute of limitations from seven to two years from the date of incident for which compensation was claimed. The amendment required a 60-day written notice to the Israeli Ministry of Defence from the date of the incident,[21] failing which the right to seek compensation was forfeited.[22] International law stipulated that where so provided for, in an applicable treaty or contained in other international legal obligations, statutes of limitations should not apply to gross violations of international human rights law and serious violations of international humanitarian law which constituted crimes under international law. It was stipulated that domestic statutes of limitations for other

[21] For exceptions to the notice, see para. 5A of the amendment: www.adalah.org/uploads/oldfiles/features/compensation/law-e.pdf.

[22] Palestinian Centre for Human Rights, press release (23 June 2011): "Israel High Court of Justice vacates verdict in cast lead case: appoints new panel of judges and orders case on behalf of 1,046 victims be reheard".

types of violations that did not constitute crimes under international law, including those time limitations applicable to civil claims and other procedures, should not be unduly restrictive.[23]

81. The Special Committee was informed that following "operation cast lead", the Palestinian Centre for Human Rights, on behalf of the Palestinian victims of Israeli violations, had submitted 1,046 compensation claims to the Compensation Officer in the Israeli Ministry of Defence, but had received only 22 interlocutory responses, which acknowledged receipt of the claims.[24] Similarly, in 2012, following "operation pillar of defence", the Centre had submitted 248 compensation claims, but had only received interlocutory responses for all claims. Finally, from July to 26 August 2014, following "operation protective edge", the Centre had submitted 1,076 claims for civil damages, but had only received 1 acknowledgement of receipt, 9 negative responses informing the Centre that the investigations were closed and 9 replies informing the Centre that investigations had been opened.

82. Civil society representatives also raised concerns about the monetary obstacles imposed by the Israeli legal system on Palestinian victims, while seeking compensation. For example, under article 519 of the Israeli Civil Code, claimants were expected to pay a court insurance fee or bank guarantee as a prerequisite before the case was considered by an Israeli court. The fee was determined at the discretion of the court on a case-by-case basis. Palestinian claimants had often found the fees to be beyond their ability to pay, which had eventually resulted in victims withdrawing their claims.

83. The Special Committee was informed that since 2007, witnesses who were required to appear in court in Israel had systematically been refused permits by the Israeli authorities at Erez crossing, between the Gaza Strip and Israel. As a result, several cases had been closed, dismissed or adjourned indefinitely, until the courts closed them as inactive cases.

84. Civil society groups noted that another hurdle for victims was imposed by the 2012 order of the Magistrates' Court in Beersheba,[25] which held that a power of attorney for a civil case arising from the Gaza Strip was considered valid only if it bore the signature and stamp of an Israeli diplomat. A power of attorney was required when a victim appointed an NGO or a lawyer to represent him or her to pursue a claim. It was pointed out that a Palestinian from Gaza seeking to authorize a power of attorney was required to present himself or herself before an Israeli Embassy and have his or her legal file signed and stamped by an Israeli diplomat. In the context of Palestinians from Gaza, that would mean hundreds of Palestinian victims travelling to Egypt to fulfil the requirement, which was beyond the means of the victims and human rights organizations. That was also not a feasible option given the closure of the Gaza Strip.

85. The Special Committee was informed that amendment No. 8 to the Wrongs of the State Law,[26] approved by the Knesset in 2012, exempted the State of Israel from any liability arising from damages caused to a resident of an enemy territory during

[23] See General Assembly resolution 60/147.

[24] See www.pchrgaza.org/files/2013/Penalising%20the%20Victim-report.pdf.

[25] Case No. 7865/01/11 (31 December 2012).

[26] On 16 July 2012, the Knesset accepted the Law and Explanatory Matters Bill, published in the Government Act Bill 387 (May 2008) (hereinafter, "amendment 8").

a "combat action".[27] That amendment applied to any operation carried out by Israeli forces in response to terrorism, hostilities, or insurrections, if the operation was by its nature a combat action.

86. Amendment 8 applied retroactively to the West Bank from 2000 onwards and, with respect to immunity against claims by residents of the Gaza Strip, from 2005 onwards. Civil society expressed concern that the retroactive element of amendment No. 8 undermined years of efforts various civil society organizations had made in pursuing civil cases against Israel and might result in the loss of vast amounts of money paid as court guarantees. Civil society representatives pointed out that a number of recent cases had been closed on that basis and the court guarantees had not been returned to the victim.

87. It was argued before the Special Committee that such actions confirmed that the Israeli judicial system did not provide effective recourse to justice for Palestinians.

V. Recommendations

88. **The Special Committee proposes the following recommendations for consideration by the General Assembly. It is recommended that the Assembly call upon the Government of Israel to:**

(a) **Provide the Special Committee with access to the Occupied Palestinian Territory, including Gaza, which would enable the Committee to meet with victims and families of human rights violations, and with the government officials of Israel and Palestine;**

(b) **Implement all prior recommendations of the Special Committee, the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, the 2009 Human Rights Council fact-finding mission on Gaza, and those contained in the report of the independent commission of inquiry established pursuant to Human Rights Council resolution S-21/1;**

(c) **Comply with Security Council resolution 497 (1981), in which the Council annulled the decision of Israel on the annexation of the occupied Syrian Golan, and end its occupation of the West Bank, including East Jerusalem, the Gaza Strip and the occupied Syrian Golan;**

(d) **End the blockade of Gaza, which constitutes collective punishment of the people of Gaza, halt the use of lethal weapons in access-restricted areas, both on land and at sea, and respect the 20-nautical-mile-limit, as agreed under the Oslo Accords, for the fishermen of Gaza;**

(e) **Address, as a part of the right to reparation, the legal hurdles and obstructions Palestinians in Gaza face in securing compensation for violations of human rights and humanitarian law;**

[27] Since 2005, the Gaza Strip has been classified as a "hostile entity" by the Israeli Ministry of Foreign Affairs.

(f) Take appropriate steps to address the lack of accountability for violations of human rights and humanitarian law during the Israeli military operations in the Gaza Strip in 2009, 2012 and 2014;

(g) Halt and dismantle all construction and plans to expand settlements, and related programmes in the occupied territories, and take immediate steps to address all incidents of settler violence in the occupied Palestinian territories, including, where applicable, through investigation, prosecution, sentencing and reparation;

(h) Immediately halt the forcible transfer or displacement of civilians and the destruction of Palestinian private property in the West Bank, including East Jerusalem, and address the threat posed to the traditional livelihood of Bedouins, who are under constant intimidation of forcible displacement by the Israeli authorities;

(i) Put an end to the discriminatory zoning and planning process, which serves the policy of settlement expansion in East Jerusalem, and ensure that sufficient funds/budget are allocated for basic services, such as health, water and sanitation, for Palestinians in East Jerusalem;

(j) Immediately cease all interference in the delivery of humanitarian aid by the international community to Palestinian communities;

(k) Address the Committee's concerns about the excessive use of force and the humiliating treatment of women, especially during night-time raids undertaken by Israeli security forces to arrest Palestinians;

(l) Promptly charge or release all suspects, whether Palestinian or Israeli, under administrative detention, held without charge or trial, often on the basis of secret evidence, for periods of up to six months, which are extendable indefinitely;

(m) Investigate and, where applicable, prosecute allegations of ill-treatment and torture of detainees, including regular beatings and electric shock, cease the use of solitary confinement and provide access to families and lawyers of detainees in line with international standards;

(n) Ensure that all children and their legal guardians are provided, on arrest, with a written statement in Arabic informing them of their full legal rights in custody, and that children are allowed to consult with a lawyer prior to questioning;

(o) Ensure that all children are accompanied by a family member throughout their questioning and that every interrogation is recorded audiovisually;

(p) Take immediate steps to ensure compliance with international standards for law enforcement and ensure accountability for the excessive use of force by Israeli security forces in the Occupied Palestinian Territory;

(q) Remove restrictions, including the system of permits, checkpoints, the wall and other forms of closures, and allow Palestinians to access mosques and churches in East Jerusalem and other parts of the Occupied Palestinian Territory;

(r) Immediately cease all excavation works below or near the al-Aqsa compound, which may potentially cause harm to the al-Aqsa mosque;

(s) Reconsider all of the legislation passed or under consideration by the Knesset that contravenes international human rights standards, for example, the Absentees' Property Law, the Prevention of Damage by Hunger Strikers bill and the amendment to the Penal Code increasing the penalty for stone throwers;

(t) Inform Israeli and multinational corporations working in the occupied territories of their corporate social responsibilities to act with heightened due diligence and of the international legal ramifications of business activities with negative human rights impacts;

(u) Take appropriate measures to prevent, investigate, punish and provide redress for corporate abuse and/or exploitation of resources in the occupied territories through, inter alia, effective policies, legislation, regulations and adjudication.

89. The Special Committee also calls upon:

(a) The international community to ensure that financial pledges made by donor countries in Cairo for the reconstruction of Gaza are honoured and urgently disbursed so that the humanitarian situation is eased;

(b) The international community and the Palestinian Authority to accelerate efforts to translate declarations of political unity into tangible measures on the ground, as that effort would encourage greater donor confidence;

(c) The international community to ensure continued and sufficient funding of UNRWA projects, in particular for the education of Palestinian children;

(d) The international community, while ensuring Israel's security concerns, to use the international community's influence to end the blockade of Gaza, which has a significant detrimental effect on Palestinians;

(e) Member States to review national policies, legislation, regulations and enforcement measures in relation to business activity to ensure that they effectively serve to prevent and address the heightened risk of human rights abuses in conflict-affected areas;

(f) Member States to ensure that corporations respect human rights and cease to fund or enter into commercial transactions with organizations and bodies involved in settlements or exploitation of natural resources in the occupied Palestinian and Syrian territories;

(g) The international community to give effect to its legal obligations, as contained in the 2004 advisory opinion of the International Court of Justice, on the wall;

(h) The General Assembly to adopt measures to address Israel's long track record of non-cooperation with the United Nations, in particular regarding the implementation of Assembly and Security Council resolutions and mechanisms established by the Assembly and its subsidiary bodies.

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Agenda item 55
Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories

Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories

Note by the Secretary-General

Corrigendum

Paragraph 4

The first sentence *should read*:

The Special Committee held its annual consultations in Geneva on 3 August 2015 with Member States concerned with the implementation of General Assembly resolution 69/90.

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Please recycle

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General Assembly

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Seventieth session
Item 107 of the preliminary list*
Crime prevention and criminal justice

Crime prevention and criminal justice

Note by the Secretary-General

The Secretary-General has the honour to transmit to the General Assembly, pursuant to Assembly resolution 60/175, the report of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime on its seventh session, held in Vienna from 6 to 10 October 2014 (CTOC/COP/2014/13 and Add.1).

* A/70/50.

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Agenda item 23 (a)
Groups of countries in special situations: follow-up to the Fourth United Nations Conference on the Least Developed Countries

Feasibility study for a United Nations technology bank for the least developed countries

Report of the Secretary-General

Summary

The present report is submitted pursuant to General Assembly resolution 68/224, in which the Assembly requested the Secretary-General to transmit the report and the recommendations of a high-level panel of experts on a technology bank for the least developed countries to the Assembly at its sixty-ninth session for its consideration, with a view to operationalizing such a bank during its seventieth session, if so recommended by the panel; and pursuant to Economic and Social Council resolution 2014/29, in which the Council recalled that request.

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I. Background

1. The Programme of Action for the Least Developed Countries for the Decade 2011-2020 (Istanbul Programme of Action) and the Istanbul Declaration, which were adopted in 2011 by the Fourth United Nations Conference on the Least Developed Countries, called for undertaking on a priority basis by 2013 a joint gap and capacity analysis with the aim of establishing a technology bank and a science, technology and innovation supporting mechanism dedicated to least developed countries. In that connection, the Conference welcomed the generous offer of the Government of Turkey to host an international science, technology and innovation centre.

2. The General Assembly, in paragraph 21 of its resolution 67/220, requested the Secretary-General to take the steps necessary to undertake a joint gap and capacity analysis on a priority basis by 2013, with the aim of establishing a technology bank and science, technology and innovation supporting mechanism dedicated to the least developed countries, building on existing international initiatives.

3. Accordingly, the Secretary-General prepared a report in which he confirmed that the current state of science, technology and innovation in the least developed countries remained poor (A/68/217). More notably, the least developed countries remained well behind other developing countries in terms of the share of science, technology and innovation expenditure as a portion of gross domestic product (GDP), annual filings of patent applications and the number of articles in peer-reviewed journals.

4. Following its consideration of that report, the General Assembly, in paragraph 25 of its resolution 68/224, noted with appreciation the offer of Turkey to host a technology bank and science, technology and innovation supporting mechanism dedicated to the least developed countries under the auspices of the United Nations, and in that regard requested the Secretary-General, on the basis of voluntary contributions, to constitute a high-level panel of experts drawn from the least developed countries and their development partners, the United Nations system and other relevant stakeholders to carry out a feasibility study, with secretariat support provided, within existing resources, by the Office of the High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States, in order to examine its scope, functions, institutional linkage with the United Nations and organizational aspects. The Assembly also requested the Secretary-General to transmit the report and the recommendations of the high-level panel to the Assembly at its sixty-ninth session for its consideration, with a view to operationalizing a technology bank during its seventieth session, if so recommended by the panel.

II. Introduction

5. As requested by the General Assembly, on 26 November 2014 the Secretary-General established the High-level Panel on Technology Bank for Least Developed Countries to study the scope and functions of the proposed technology bank dedicated to helping the world's least developed countries to lift themselves out of poverty.

6. The General Assembly mandated the High-level Panel to examine the scope, functions, institutional linkage with the United Nations and organizational aspects of the technology bank, including by:

(a) Assessing the ability of a technology bank to promote scientific research and innovation and facilitate the diffusion and transfer of technologies to the least developed countries, on voluntary and mutually agreed terms and conditions, and with necessary protections for intellectual property;

(b) Considering the current international institutional landscape, synergies and options for cooperation with relevant international technology initiatives, stakeholders and organizations, both within and outside the United Nations system, and the need to avoid duplication of efforts;

(c) Examining and outlining potential functions, activities, working methods, governance mechanisms, staffing arrangements and costs for a technology bank and science, technology and innovation supporting mechanism, including possible regional centres in the least developed countries;

(d) Examining options for facilitating the necessary voluntary financial support to a technology bank for its establishment and effective and sustained functioning.

7. The Panel held two meetings in Turkey, the first one in Gebze on 16 and 17 February 2015, and the second in Istanbul on 2, 3 and 4 September 2015, hosted by the Scientific and Technological Research Council of Turkey. The Office of the High Representative provided secretariat and substantive support to the Panel in the preparation of the feasibility study.

III. Key findings of the High-level Panel

8. In its feasibility study, the High-level Panel called for the establishment of a technology bank in order to ensure focused and sustained collaboration for the promotion of science and technology in the least developed countries and the transfer and diffusion of technology and to ensure the institutionalization and coherence of global support and cooperation. Given that the technology bank would be a new institution, the Panel recommended that its activities be developed over time on the basis of the experience and expertise gained through an initial set of activities. The experience accumulated in the implementation of those activities would be crucial. Accordingly, the Panel proposed activities for an initial start-up phase that would span four years.

9. The Panel envisaged that the activities of the initial phase would respond to the immediate needs of the least developed countries and serve as an opportunity to demonstrate to them the benefits of its efforts to improve their capacities in the areas of science, technology and innovation, including through the adoption of a more systematic approach in those areas and the diffusion and transfer of technology. The initial phase would facilitate the consolidation of the financial base of the technology bank and the building of partnerships with stakeholders in the least developed countries and other developing and developed countries.

10. The Panel proposed that, at the conclusion of the initial phase, an assessment be carried out, which would serve as a basis for consolidating the activities

conducted during the first phase. It would also consider the expansion of those activities through greater country coverage and the initiation of new activities. The Panel recommended that the technology bank adopt a multi-stakeholder approach in its work and that it leverage North-South, South-South and triangular cooperation arrangements in the design and delivery of its activities. In addition to providing support to individual least developed countries through country-led activities, it would make use of regional, subregional and interregional approaches to the development of science, technology and innovation.

11. The Panel underlined that although the technology bank would be dedicated to technology transfer and to the promotion of science, technology and innovation in the least developed countries, least developed countries that graduated from that category should also be able to gain access to its services on a case-by-case basis to ensure that their progress was not abruptly disrupted.

12. The Panel rightly recommended that mainstreaming women and youth into the work of the technology bank be a high priority. The nexus of youth, entrepreneurship and high-technology fields is pervasive in the developed world. Most global efforts to engage youth have focused on more advanced, emerging-market countries, but there are some programmes that benefit youth and women in the least developed countries. The technology bank, in its initial phase, should build on such initiatives.

13. The Panel emphasized the importance of the involvement of organizations of the United Nations system that had already been carrying out activities in the science, technology and innovation arena. The technology bank would leverage the existing initiatives of United Nations agencies, funds and programmes at the regional and national levels in implementing its programme of work. An ad hoc Inter-Agency Task Team, led by the Office of the High Representative, was established in 2012 to contribute to the work of the Panel.[1] Such an inter-agency mechanism would support the work of the technology bank.

14. The Panel recommended that the activities undertaken by the technology bank be aligned and coherent with national development priorities and consistent with common country programming principles. To that end, initiatives undertaken by the technology bank, in partnerships with relevant United Nations agencies, funds and programmes, would be integrated with the United Nations Development Assistance Framework in consultation with United Nations country teams and other relevant stakeholders.

15. While undertaking a thorough review of the status of the least developed countries, the Panel found that the state of science, technology and innovation in the least developed countries remained poor. Disparities between the least developed countries and the rest of the world in the capacity to generate and apply science and technology knowledge have been growing. While members of the Organization for Economic Cooperation and Development spent, on average, 2.4 per cent of GDP on

[1] The members of the ad hoc Inter-Agency Task Team are the following: the World Intellectual Property Organization, the World Trade Organization, the United Nations Conference on Trade and Development, the International Telecommunication Union, the United Nations Industrial Development Organization, the United Nations Educational, Scientific and Cultural Organization, the World Bank, the United Nations Entity for Gender Equality and the Empowerment of Women, the Economic Commission for Africa and the Economic and Social Commission for Asia and the Pacific.

research and development in 2013, the amount dedicated to research and development in the least developed countries for which data are available was negligible.[2]

16. The Panel found that limited resources, including a narrow base of scientific literacy, had contributed to the scant generation, diffusion and application of scientific knowledge in the least developed countries. Similarly, the limited research and development capabilities in those countries had rendered them dependent on the acquisition of new technologies from abroad.

17. The Panel noted that there were many provisions governing the transfer of technology in international agreements, conventions and protocols. However, existing arrangements and mechanisms for such transfer had not enabled the least developed countries in a meaningful way to overcome their severe weakness in the areas of science, technology and innovation and to build a technological base. Various studies have suggested that the existing mechanisms for technology transfer are fragmented and often ad hoc in terms of objective content and country coverage. No existing global framework, agreement or mechanism is comprehensive enough to advance capacity-building in science, technology and innovation in the least developed countries.

18. The Panel determined that substantial investments of time, effort and funds were required to build the capacity for the indigenous development of science, technology and innovation and to integrate that capacity into productive activities that would drive greater and more rapid economic growth. Building a research institution that meets international standards would require long-term investments over a decade and a half or more.

19. The Panel recommended that, during that period, considerable effort be put into attracting human resources of the highest quality, building cutting-edge facilities, procuring essential equipment, developing relationships with universities, firms and markets globally and securing online connectivity to ensure that researchers could readily interact with their global peers and access current online publications. That developmental model, of course, assumes the existence of institutional capacity and funding commensurate with the achievement of such an ambitious goal.

20. According to the study, the developing countries direct around 1 per cent of the total official development assistance (ODA) received to science, technology and innovation, while the least developed countries direct merely 0.5 per cent of their total ODA to those areas. Second, the total bilateral aid for science, technology and innovation given to the least developed countries amounts to about 15 per cent of the aid for science, technology and innovation given to all developing countries. Third, the categories of science, technology and innovation in both the developing and the least developed countries that receive the greatest amount of ODA are agricultural research, followed by medical research, scientific institutions and environmental research. Technological research and development account, on average, for merely 3 per cent of the total ODA spent on science, technology and innovation in both the developing and the least developed countries.

[2] For example, Burkina Faso spent 0.20 per cent of GDP on research and development in 2009; Ethiopia, 0.24 per cent in 2010; the Gambia, 0.133 per cent in 2011; Lesotho, 0.013 per cent in 2011; Madagascar, 0.106 per cent in 2011; and Uganda, 0.56 per cent in 2010.

21. In its feasibility study, the Panel provided a brief account of the current landscape of technology-related initiatives within the United Nations system in support of the least developed countries and identified a variety of technology-related initiatives at the global and regional levels. A number of United Nations entities, including the World Intellectual Property Organization (WIPO), the World Trade Organization (WTO), the United Nations Educational, Scientific and Cultural Organization (UNESCO), the United Nations Industrial Development Organization, the International Telecommunication Union, the United Nations Conference on Trade and Development (UNCTAD), the World Bank, the Food and Agricultural Organization of the United Nations, the United Nations Environment Programme, the Climate Technology Centre and Network and the World Health Organization (WHO), as well as the regional commissions and the South-South Global Assets and Technology Exchange system, have been supporting important programmes and initiatives to promote science, technology and innovation capacity in the least developed countries. Since the adoption of the Istanbul Programme of Action, the Office of the High Representative has been constantly engaged in promoting the agenda of the technology bank for the least developed countries, according to its mandate. It has provided secretariat and substantive support to the Panel and established the ad hoc Inter-Agency Task Team on the technology bank to ensure system-wide coordination in its establishment. The Panel observed that many international agreements, conventions and protocols included provisions governing the transfer of technology.

22. On the basis of an analysis of the existing measures undertaken by the entities of the United Nations system, the Panel indicated that those measures included support for national science, technology and innovation policy frameworks, the analysis of information and communications technology (ICT) trends and policy review, the provision of access to scientific and technical information, support for integration into global intellectual property and innovation databases, the stocktaking of technology transfer measures, technical support for building human and institutional capacity through training and workshops, technical assistance for the transfer of climate technologies and matchmaking in technology transfer among developing countries.

23. The Panel was of the view that the initiatives and measures undertaken by United Nations system organizations to facilitate technology transfer were geared towards providing benefits to developing countries and the least developed countries. However, given their very limited absorptive capacities, it is very difficult for the least developed countries to benefit from multiple facilities. Instead, they need an easily accessible and coordinated one-stop arrangement. The technology bank could meet that goal by working closely with United Nations system entities and other stakeholders to build synergy, coherence and collaboration in order to provide dedicated support and coordination for technology transfer and science, technology and innovation capacity-building in the least developed countries.

24. On the basis of careful analysis, the Panel concluded that the technology bank would be both feasible and desirable, with its expected benefits far outstripping the cost of its operations. The Panel determined that the thinking behind the technology bank was sound and that the planning already carried out suggested that it could be launched on a firm foundation. It could become an important instrument for ensuring that the least developed countries were no longer left behind in the

achievement of internationally agreed development goals, especially the Sustainable Development Goals.

25. The Panel recommended that the technology bank build on the wide range of existing and planned programmes and initiatives to help the least developed countries to articulate their science, technology and innovation policies and priorities as part of their overall development strategies and to assist them in building their capacities in those areas. The bank would help to develop the domestic capacity of the least developed countries to absorb patented intellectual property. It would also act as a conduit between the holders of intellectual property rights in developed countries and relevant actors in the least developed countries, helping to create new opportunities for the dissemination, diffusion and adaptation of key technologies.

26. The Panel proposed that the technology bank be composed of two interrelated organizational units: a science, technology and innovation supporting mechanism and an intellectual property bank.

27. The overarching objective of the supporting mechanism would be to help the least developed countries to strengthen their national science, technology and innovation capacities, which are essential for the development, acquisition, adaptation and absorption of technologies for sustainable development. Development-driven science, technology and innovation necessarily entail directed policies to create domestic innovation ecosystems that can attract outside technology and generate home-grown research and take it to market. According to the Panel, the mechanism would foster knowledge networks and worldwide partnerships between researchers, innovators and entrepreneurs in the least developed countries and their global peers.

28. The overarching objective of the intellectual property bank would be to help to build the national intellectual property capacity of the least developed countries and to facilitate technology transfers on voluntary and mutually agreed terms and conditions and, in the process, accelerate the beneficial integration of the least developed countries into the global intellectual property system. To that end, among other functions, it would assist in the realization of the promise of technology transfer under the 1994 Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS).[3]

29. The Panel argued that, from the perspective of the least developed countries, the intellectual property bank would add value as a one-stop shop for coordinated support for national intellectual property capacity-building and the facilitation of technology transfer. From the perspective of the developed countries, the bank could also serve as a focal point to help the least developed countries communicate and work with the outside world effectively, assisting them in their communications and

[3] The term "technology transfer" conveys two very different, widely used and easily confused meanings. In Western universities and research institutions, it describes the process for facilitating the commercial application of applied science, or "lab-to-market", as with an engineering school's business incubator. In the current context, it refers to the transmittal of advanced technical knowledge from developed countries to the developing world. Article 66.2 of the Agreement on Trade-Related Aspects of Intellectual Property Rights states: "Developed country Members shall provide incentives to enterprises and institutions in their territories for the purpose of promoting and encouraging technology transfer to least-developed country Members in order to enable them to create a sound and viable technological base."

their requests for technical assistance and financial cooperation. The Panel stated that the bank would facilitate a win-win dialogue and the allocation of resources for the use of intellectual property as a tool for development and would act to instil in participating least developed countries the capacity to benefit from technology transfer and diffusion.

30. The Panel recommended that, in the initial phase, the supporting mechanism consist of two subprogrammes: digital research access and networking and science, technology and innovation policy and capacity-building support.

31. The digital research access and networking subprogramme would have two components: the digital access for research transfer and transformation programme and the national research and education network facilitation programme.

32. The Panel found that the least developed countries had the greatest need for, and confronted the highest barriers to access to, relevant science, technology and medical information, and it underlined their need for easy access to available scientific research and knowledge materials. The Panel recommended that the digital access for research transfer and transformation programme foster knowledge networks and worldwide partnerships between researchers, innovators and entrepreneurs in the least developed countries and their global peers.

33. The Panel recommended that the digital access for research transfer and transformation programme build synergy and partnerships with such existing mechanisms as Research4Life, an innovative public-private partnership among WHO, FAO, UNEP, WIPO, the International Association of Scientific, Technical and Medical Publishers, Microsoft Corporation and more than 160 global publishers of online scientific, medical and technical publications that provides developing countries with free or low-cost access to academic and professional peer-reviewed content online. In 2001, WHO negotiated agreements with the six largest global publishers of online medical journals, encouraging other partners and publishing houses to join the initiative.

34. The Panel recommended that the digital access for research transfer and transformation programme adopt a phased approach, beginning with Bangladesh, Mozambique, Nepal, Senegal, Uganda and the United Republic of Tanzania, all countries in which Research4Life has particularly strong local champions. Those initial focal points could act as mentors as more country focal points are added, eventually becoming regional and/or subject/language specialized hubs for South-South support for other least developed countries. The Panel also recommended that special emphasis be placed on francophone and lusophone regions, in which many least developed countries are located and which, Research4Life recognizes, have been underserved.[4]

35. The Panel also recommended that in-country focal points help researchers in the least developed countries to learn how to use publishing house libraries for knowledge-gathering and ensure that their own scholarly writings (and, eventually,

[4] English is the lingua franca of global science journals, but Research4Life offers access to many journals in other languages.

patent applications) comprehensively cited other research.[5] The supporting mechanism could also offer guidance on writing for peer-reviewed science and engineering journals.

36. The Panel underscored that, if scientists in the least developed countries were to actively participate in and benefit from the technology bank, they would need affordable access to data communications infrastructure nationally, regionally and globally. Today, when technological innovation at all levels of society is driven by access to data communications, the least developed countries that have general Internet penetration of less than 50 per cent of their population are losing out daily. They are the world's "digital have-nots". Governments and international organizations need to recognize that data communications infrastructure is no longer something that is merely nice to have, but is an absolute necessity for the development of any country.

37. The results of the feasibility study illustrate that, as the scientific community pushes the boundaries of knowledge, researchers are relying on dedicated data communications networks to provide greater speed, timely delivery, seamless global reach and a very high level of resilience. The Panel recommended that the technology bank be able to deliver immediate data communications connectivity to the scientists it was intended to reach.

38. With a view to extending such facilities to the least developed countries in a cost-effective manner and as early as possible, the Panel recommended that the technology bank build partnerships with national research and education networks. These are high-speed data communications networks that are independent of the commercial Internet and dedicated to meeting the needs of the academic and research communities. Such networks, which have been developed in 100 countries, including 16 least developed countries, offer direct, dedicated data communications infrastructure on a national scale, with regional and global interconnections. The infrastructure of such networks allows researchers, teachers and students to share information electronically in a reliable and timely fashion and to collaborate effectively across the globe. The Panel stated that, by building on such infrastructure, the bank would be able to deliver immediate data communications connectivity to scientists.

39. According to the Panel, the basis for the science, technology and innovation policy and capacity-building programme is the fact that virtually every least developed country possesses world-class scientists and technologists, but usually too few to enable them to coalesce around a common discipline. The contemporary challenges confronted by the least developed countries, including climate change, environmental challenges, food insecurity, water scarcity and public health, energy, communications, transport and logistics issues, are typically multisectoral and do not lend themselves to solutions from a single area of knowledge. Thus, a fundamental objective of the programme would be to help craft so-called

[5] A hallmark of peer-reviewed journal articles is that they are replete with citations of related research, a precondition to claiming that their own contributions are seminal. Without such citations, authors from the least developed countries cannot garner credibility, however original their insight or discoveries might be.

collaborative innovation networks[6] that would enable scientists and technologists in the least developed countries to connect and collaborate with their global peers.

40. The Panel recommended that, in the initial stage, the science, technology and innovation policy and capacity-building programme commence by creatively building on existing initiatives, especially those undertaken by Member States, United Nations system organizations, academia and non-governmental and non-profit entities.

41. The Panel indicated that, in order to formulate an appropriate assistance programme, the science, technology and innovation policy and capacity-building programme would require baseline reviews for every least developed country. Rapidly developing national strategy papers or building on existing ones should be an immediate priority for the supporting mechanism. That effort would start with a group of pilot countries, in partnership with UNCTAD and UNESCO,[7] building on the well-regarded science, technology and innovation policy reviews of those organizations. An integral part of the process of preparing the strategy papers would be to organize national stakeholder conferences with a view to maximizing the engagement and contribution of the relevant actors and, thereby, genuine national ownership.

42. The Panel recommended that the first order of business for the science, technology and innovation policy and capacity-building programme be the establishment of collaborative linkages to pertinent institutional actors. Establishing such linkages necessitates determining what assistance is available, how each least developed country has set its science, technology and innovation priorities and how best to facilitate the requisite connections with potential partners. In that regard, the programme would play a comprehensive and active liaison role.

43. The Panel was of the view that, since a good number of science academies now existed in the least developed countries in Africa, the science, technology and innovation policy and capacity-building programme could help to promote the ability of those academies to advise Governments on development strategies. To that end, the Panel recommended that the technology bank work with such entities as the InterAcademy Partnership, a global consortium of science academies, based at the World Academy of Sciences, in Trieste, Italy.

44. The Panel also proposed that the science, technology and innovation policy and capacity-building programme engage in liaison with the InterAcademy Partnership to see what might be done to increase the number and influence of science academies in other least developed countries. Both Haiti and the least developed countries of South-East Asia lack an academy. The least developed countries in the Pacific Ocean present a special challenge; they could forge a regional academy, as has been done in the Caribbean. Collaboration could be set up between the programme and the InterAcademy Partnership to that end. It would be useful to promote and strengthen regional networks of science academies. The number of young science academies is rising, and there should be strong linkages between them and the senior academies. In addition, the science academies in the least developed countries need to play a role in national development policies.

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[6] The term "collaborative innovation networks" was coined by the Global Knowledge Initiative on the basis of its research, which was funded by the World Bank and the Rockefeller Foundation.

[7] Since neither UNCTAD nor UNESCO has sufficient funding to assume the extra financial burden, the technology bank will need to raise funds.

45. The Panel made recommendations with respect to science, technology and innovation capacity-building for tertiary-level institutions. A number of institutions in the least developed countries have already benefited from the African Regional Initiative in Science and Education, funded by the Carnegie Corporation of New York.[8] The donor horizon should be actively scanned to ensure that pertinent institutions in the least developed countries are considered for inclusion in such initiatives, helping donors and potential recipients to identify synergistic linkages.

46. The Panel was of the view that most scientists in the least developed countries could benefit from the type of training on how to master the grant-writing and application process that their peers in developed countries received.[9] Such training might become, in time, a valuable service that the science, technology and innovation policy and capacity-building programme could provide. In the initial phase, an online training module could be developed and delivered to researchers in the least developed countries, in close cooperation with relevant organizations.

47. The Panel also indicated that, in coordination with Research4Life document searches, the science, technology and innovation policy and capacity-building programme could help researchers in the least developed countries to find like-minded collaborators and, by extension, co-authors when they sought to publish their own research findings. Guidance on writing for peer-reviewed science and engineering journals could also be arranged through the programme, delivered in partnership with such organizations as AuthorAID, which was launched in 2013 as a subset of the International Network for the Availability of Scientific Publications, a non-governmental organization based in the United Kingdom of Great Britain and Northern Ireland, to help scientists in the developing world publish articles in science and technology journals.[10]

48. The Panel recommended that, in conjunction with the intellectual property bank, the science, technology and innovation policy and capacity-building programme provide advice to authors in the least developed countries on when and how to file for a patent prior to the public disclosure of their research findings. Traditional intellectual property training would include the training of academic innovators on why they should file for protection and how to do so. The least

[8] Beneficiaries in the least developed countries include Eduardo Mondlane University (Mozambique); Makerere University (Uganda); Sokoine University of Agriculture (United Republic of Tanzania); the Tea Research Foundation of Central Africa (Malawi); University of Dar es Salaam; University of Malawi; and the Western Indian Ocean Regional Initiative (Tanzania Zanzibar).

[9] Most leading research universities in Europe and North America conduct courses in grant writing for their faculties. Overburdened academics in the least developed countries, even if they learn how, will still be challenged to find time for the grant-application process. The science, technology and innovation supporting mechanism could help them narrow the search for promising or overlooked funding streams, and arrange for their applications to be critiqued before submission.

[10] The International Network for the Availability of Scientific Publications also created Africa Journals Online, based in South Africa, in 1997 to publicize the research of African academics. While not confined to science, engineering or medicine, those disciplines dominate its publishing field. The funding for Africa Journals Online comes primarily from the Department for International Development of the Government of the United Kingdom of Great Britain and Northern Ireland and the Norwegian Agency for Development Cooperation, with additional support from the Ford Foundation and the Danish Ministry of Foreign Affairs. AuthorAID is currently funded by the United Kingdom and Sweden.

developed countries are very rich in traditional knowledge and could enjoy the benefits of geographical indications of many products. The technology bank could support them in reaping the benefits of those resources.

49. The Panel argued that the science, technology and innovation policy and capacity-building programme should be able to advise and, if necessary, provide negotiating support to participating institutions in the least developed countries, which generally lacked sufficient legal resources, before they entered into collaborative research with other institutions.[11] The programme should provide that service from the outset, given its fundamental objective of creating regional and global partnerships that lend themselves to online delivery. The digital access for research transfer and transformation programme and Research4Life will also have the opportunity to work with publishers to gain access to their extensive collections of expired and current patents, patent applications and patent search tools and to provide training for stakeholders to facilitate more robust knowledge transfer.

50. The Panel recommended that the science, technology and innovation policy and capacity-building programme alert would-be authors about the unfortunate rise in fraudulent online science and technology journals that solicited contributions from unsuspecting scholars, especially those in the developing world. Obviously, any journal associated with Research4Life is legitimate, but it is difficult to be familiar with all of them, especially when they must be accessed through each publisher's website. Acting as a one-stop shop and reference point for country focal points, a science, technology and innovation help desk could act as a filter to verify the legitimacy of a publication.

51. Regarding diaspora outreach, the Panel recommended that a priority action be to determine ways of capturing relevant information.[12] The science, technology and innovation policy and capacity-building programme would collaborate with relevant institutions with a view to establishing a diaspora science, technology and innovation information database, which would serve as the initial step in the creation of a least developed countries diaspora science, technology and innovation network.

52. The study showed that over the past two decades, since the acceptance of the TRIPS Agreement as part of the global intellectual property system, both developed and least developed countries had struggled to use the existing framework of its articles 66.2 (least developed country members) and 67 (technical cooperation) without demonstrable success. The intellectual property bank would endeavour to fill that gap through its initial activities to help the least developed countries help themselves.

53. The Panel indicated that the gap could be bridged through the simple structural solution of enabling the intellectual property bank, as a sophisticated intermediary, to develop capacity in absorption, adaptation and human capital and to promote the formation of innovation and financial ecosystems, technology transfer, foreign

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[11] Virtually every research agreement in the developed world includes an intellectual property annex that governs new findings that might be generated under mutual collaboration. Most researchers do not attempt to understand the complexity of intellectual property rights, however, relying instead on their university or corporate legal departments to safeguard their intellectual property.

[12] The Royal Society, *Knowledge, Networks and Nations: Global Scientific Collaboration in the 21st Century*, p. 107 (London, 2011).

direct investment and science, technology and innovation. In support of those goals, policymakers must bear in mind a number of considerations.

54. The Panel recommended that efforts to transfer technology be supported not only by Governments, but also by public research organizations, individual researchers and the private sector. All are key participants in the technology transfer ecosystem, and the goals surrounding technology transfer must be aligned with their needs.

55. The Panel also recommended that, to facilitate endogenous innovation as well as technology transfer, intellectual property rights be clearly delineated and no unnecessary barriers to the licensing of those rights be imposed. Inappropriate or excessive delays resulting from the process by which technologies are licensed or otherwise made available can impede research partnerships, licensing arrangements and innovation.

56. The Panel was of the view that technology transfer was more than just licensing technology: it was an ongoing exercise that improved the interconnectedness of the innovation system. Thus, a technology-transfer policy should facilitate the rapid private sector adoption of technologies transferred to the least developed countries from abroad, as well as those developed by public research and educational organizations in those countries.[13]

57. The Panel proposed that a key immediate task of the intellectual property bank be to act as a single point of contact representing the interests of the least developed countries and to help to catalyse a sound and viable technology base.

58. The Panel presented the caveat that since the intellectual property bank was expected to grow incrementally and the capacity of the least developed countries was expected to grow accordingly, there were some sophisticated issues that would not be covered in the initial stage, such as engaging in patent pools, standards-essential patents and fair, reasonable and non-discriminatory licensing.

59. The Panel recommended that the intellectual property bank, therefore, develop coherent integrated strategies tailored to the specific needs of each participant in the least developed countries. Those strategies should be geared towards developing a sound and viable knowledge and technology base that would enable at least half of the 48 least developed countries to graduate from that status by 2020 in a manner that would be respectful of existing intellectual property rights and integrative into the existing global intellectual property ecosystem.

60. The Panel recommended that the intellectual property bank assist in facilitating national technology assessments as a distinct part of the science, technology and innovation policy reviews and the requisite economic analyses to be prepared under the supporting mechanism. Key actions in the initial stage would include providing support to the least developed countries through the following actions:

(a) The identification of the core area of focus, including those mentioned during the first meeting of the Panel: public health (life sciences), agriculture, sustainable energy (including solar and biofuels), ICT and the preparation of

[13] Other technology bank activities, including enhanced Research4Life access, improved national research and education network connectivity and robust science, technology and innovation support, should enable scientists and technologists in the least developed countries to generate their own intellectual property over time.

specific proposals for assistance. ODA programmes were already focused on some of those areas;

(b) The identification and phasing-out of obsolete or weak research and development infrastructure. Unlike many other areas of activity, that would require private sector incentives. The intellectual property bank would provide a much-needed platform to coordinate with existing capacity-building programmes to improve access for the least developed countries and to initiate new programmes;

(c) Collaboration with the least developed countries and the existing providers of capacity-building support to ensure that the selection criteria for identifying technologies was directed to maximizing the spillover benefits for the least developed countries. Identified technologies would be voluntarily negotiated and structured, taking into account the benefits for the least developed countries and the need to incentivize the intellectual property owner to transfer the identified technology.

61. The Panel proposed that, in the initial phase, the intellectual property bank also provide expertise in interfacing with donor countries and international organizations to articulate the priority needs of the least developed countries, preparing proposals and communicating with providers of intellectual property-related support through four main activities of the intellectual property bank:

(a) Supporting the identification of the priority needs of the least developed countries;

(b) Providing assistance to the least developed countries with the submission of those needs to the WTO TRIPS Council;

(c) Coordinating with a multitude of existing interested intellectual property technology assistance providers;

(d) Determining those priority needs on the basis of the results from the three initial activities mentioned above;

(e) Assisting the least developed countries with related financial and business functions necessary to develop projects.

62. The Panel recommended that the intellectual property bank coordinate closely with the supporting mechanism and Research4Life to assist researchers and innovators in universities and public entities and technology entrepreneurs in the private sector in the least developed countries in gaining access to information on technology and technical and financial assistance in using such information. The intellectual property bank should:

(a) Provide added value by assisting stakeholders in the least developed countries in gaining access to and using free patent information. That capacity involves search and, when necessary, translation;

(b) Assist the least developed countries in scouting technology, identifying and reviewing the available technical information and identifying patent owners and, more important, companies with commercially available technical solutions;

(c) Establish linkages with national, regional and global intellectual property organizations to enhance communication with and the provision of services to the least developed countries in the initial phase;

(d) Serve as a conduit for connections to existing networks so that research and development can begin to result in new inventions and companies. Other potential partners include accelerators, incubators, science and technology parks, specialized research institutions and other centres of knowledge and excellence and the relevant programmes of such major donor foundations as the Bill and Melinda Gates Foundation;

(e) Use existing knowledge-sharing platforms for initial use including, for example, the Technology Facilitation Mechanism established by the third International Conference on Financing for Development;

(f) Make use of existing partnering mechanisms, especially online portals that provide access to public-private partnership resources;

(g) Coordinate with supporting mechanism activities to conduct education and training for government, the business community, universities and other stakeholders on various forms of intellectual property and the fundamentals of technology transfer.

63. The Panel also recommended that, in the initial phase, the intellectual property bank serve as a coordinated mechanism for information-sharing and for developing and coordinating technical and financial cooperation between the least developed countries and the providers of intellectual property-related capacity-building assistance in the following ways:

(a) Provide technical advice on upgrading existing laws and drafting new laws, strengthening human and institutional capacities and enhancing implementation and enforcement;

(b) Support the modernization of intellectual property administration in terms of digital search, examination, publication and the recording of ownership;

(c) Enhance the institutional infrastructure and triple helix of government-university-industry and overall societal support for the role of science, technology and innovation and intellectual property as tools for economic growth.

64. The Panel was of the view that, in the initial period, extending the activities of the intellectual property bank beyond basic technology transfer support might prove to be too complex and burdensome. That does not mean that the least developed countries will wait indefinitely until the bank develops its own capacity to participate in more complex activities. With that in mind, the bank should initially undertake the following activities:

(a) Develop a programme for attorneys to provide pro bono support for the least developed countries with regard to complex contract negotiations towards obtaining patents and licences. The programme could be modelled on the inventor assistance programme of WIPO and the World Economic Forum. The bank should also develop model technology transfer agreements and build on the WIPO-World Economic Forum model for attorneys to provide pro bono licensing for the least developed countries;

(b) Develop the expertise to advise and guide both technology owners and the least developed countries. Over time, higher levels of sophistication will be warranted, and the bank should develop appropriate strategies and activities under the authorization of its governing mechanism.

65. The Panel argued, as stressed above, that the effective engagement of the private sector would be vital to the success of the intellectual property bank in particular and the technology bank in general. To that end, consideration should be given to establishing a programme to focus private sector involvement in the least developed countries.

66. The Panel also proposed that the intellectual property bank establish a dialogue with countries with a high potential for growth to signify the opportunities that the least developed countries presented as new markets for investment, collaboration and innovation. Science, technology and innovation and opportunities to create win-win projects would be at the centre of the dialogue process. It is increasingly recognized that the least developed countries represent the final frontier for untapped growth on the planet (from frontier markets to emerging markets) and that this type of activity will help the least developed countries to realize their potential, which will be beneficial not only to them, but also to the rest of the world.

67. The Panel considered the governance arrangements of the following United Nations entities that have multi-stakeholder governance arrangements: United Nations University (UNU), the United Nations Global Compact and Sustainable Energy for All.

68. On the basis of the governance arrangements of those three entities, the Panel recommended that the governance and reporting aspects of the technology bank be modelled on those of UNU. It is noted that the detailed arrangements would need to be finalized during the operationalization phase of the bank, in consultation with the relevant departments of the United Nations.

69. The Panel recommended that, if modelled on UNU, the technology bank, to be headquartered in Turkey, consist of a governing council with 12 members, including a representative of the host country, as well as a representative of the Secretary-General as an ex officio member. The governing council would perform the following functions:

(a) Formulate principles and policies governing the activities and operations of the technology bank;

(b) Adopt statutes and recommendations necessary for the smooth and effective functioning of the bank;

(c) Consider and approve the work programme and adopt the budget of the bank on the basis of proposals submitted to it by the managing director;

(d) Consider reports of the managing director on the activities of the bank and the implementation of its plan of work;

(e) Report regularly to the General Assembly, through the Secretary-General, on the work of the bank;

(f) Create such subsidiary bodies as it deems necessary.

70. The Panel also recommended that the bank's staff consist of the managing director, professional and general service personnel, short-term staff and consultants and trainees. As with arrangements at UNU, the managing director and the internationally recruited staff would be covered by the provisions of the Staff Regulations of the United Nations and Staff Rules. The managing director,

appointed by the Secretary-General, would be responsible to the governing council for the direction, administration, programming and coordination of the bank.

71. The Panel also recommended that two regional centres of the bank be established, in accordance with General Assembly resolution 68/224, with the concurrence of the governing council.

72. The Panel observed that the main considerations for the staffing arrangements and the cost estimates for the first biennium (2016-2017) were to maximize the efficiency of programme delivery and establish a good foundation for the future on the basis of the continual evaluation of the bank's work. Considering the dynamic nature of technology and the diverse needs of the least developed countries, a prudent balance should be struck between core staff and personnel on short-term contracts who possess specific knowledge and expertise. Among the core staff, the emphasis should be on programme delivery rather than management overhead. The bank should also use the best available technologies in its programme development and delivery.

73. For the initial phase, the Panel recommended 27 Professional staff members and 9 General Service staff members, which would cost $8,566,530 for the first biennium (2016-2017). The Panel also recommended the amount of $7,090,000 for non-staff costs for the same cycle. Estimated staff and non-staff costs, along with the programme support costs at the rate of 13 per cent of total costs, would total $17,691,879 for the first biennium.

74. The Panel provided estimates of staff and non-staff costs, exclusive of the provision of physical infrastructure and the servicing thereof, which are expected to be taken up in the context of the host country agreement. Those estimates were provided to convey to the members of the Panel an order of magnitude regarding the size of the financial resources necessary to carry out the activities presented in the feasibility study during the initial biennium. The actual budgetary exercise will need to be carried out in the context of the operationalization of the technology bank, in consultation with the relevant departments of the United Nations.

75. The Panel proposed that the capital costs and recurrent costs of the technology bank be met through voluntary contributions, or the income derived therefrom, made by Member States, United Nations system organizations and other international organizations and by non-governmental sources, including foundations, the private sector, universities, non-governmental organizations, venture capital and individuals. In addition, in-kind contributions and partnerships would be sought to complement voluntary financial resources.

76. The Panel recommended that financial arrangements be in line with those of UNU as follows:

(a) The funds of the technology bank would be kept in a special account to be established by the Secretary-General in accordance with the Financial Regulations and Rules of the United Nations. The Secretary-General would perform all necessary financial and accounting functions for the bank, including retaining custody of its funds, and would prepare and certify the annual accounts showing the status of the bank's special account;

(b) The Financial Regulations and Rules would apply to the financial operations of the bank. Funds administered by and for the bank would, as provided in the regulations, be subject to audit by the Board of Auditors;

(c) The managing director would prepare the budget estimates for the bank in a manner consistent with United Nations regulations, rules, policies and procedures. The estimates, together with the comments and recommendations of the Advisory Committee on Administrative and Budgetary Questions thereon, would be submitted to the council for approval;

(d) The general administrative, personnel and financial services of the United Nations would be used by the bank on conditions determined in consultation between the Secretary-General and the managing director, it being understood that no extra cost to the regular budget of the United Nations would be incurred.

77. The Panel recommended that the status and authority of the technology bank be finalized in consultation with relevant parts of the Secretariat. The Panel also recommended that, similarly to UNU, the bank be designated as an autonomous organ of the General Assembly and enjoy the status, privileges and immunities provided for in Articles 104 and 105 of the Charter of the United Nations and in other international agreements and resolutions relating to the status, privileges and immunities of the Organization. The bank could acquire and dispose of real and personal property, take legal actions necessary to the performance of its functions and enter into agreements, contracts or arrangements with Governments, organizations, institutions, firms or individuals for the purpose of carrying out its activities. Persons travelling on the official business of the bank could, upon request, be provided with appropriate United Nations travel documents.

IV. Recommendations of the Panel

78. In its study, the Panel argued that the technology bank was feasible. The thinking behind it has been sound, and, on the basis of an analysis of the study, it appears that it could be launched on a firm foundation. With the offer of the Government of Turkey to host the bank, the initiative has made a very auspicious start.

79. The Panel determined that the technology bank, as a dedicated, coordinated and interlinked facility, could achieve quick gains during its initial phase of operation. Improved prospects for an increase in ODA to the least developed countries, as reflected in the outcome of the third International Conference on Financing for Development, coupled with the opportunity provided by the establishment of the technology bank to channel more ODA to the least developed countries in the areas of science, technology and innovation, also augur well for the funding prospects of the bank. As noted above, the bank would be based on voluntary resources and would use both in-kind and financial support provided by Member States and other stakeholders.

80. The Panel envisaged that the technology bank would leverage existing initiatives and grow incrementally, building on the experience gained and lessons learned from its work. In designing and delivering its programmes, the bank would accord primary importance to country ownership. Support provided to each least

developed country would, therefore, be primarily country-driven, reflecting each country's priorities and aspirations.

81. The Panel recommended that the bank, in collaboration with the Office of the High Representative, strive to ensure full coordination with the United Nations system by making use of existing coordination mechanisms at different levels. Such an approach would engender synergy, avoid duplication, strengthen the impact of the bank and facilitate the leveraging of ongoing and planned initiatives by United Nations system organizations in areas relevant to the work of the bank. The bank would also partner with Member States, the private sector, philanthropic foundations and civil society in implementing its activities.

82. In the light of the analysis presented above, the Panel considers the technology bank to be feasible and recommends its operationalization during the seventieth session of the General Assembly. Given that the comprehensive midterm review of the Istanbul Programme of Action will be held in Antalya, Turkey, in June 2016, it will be desirable to formally operationalize the bank during that important event, signalling the realization of a key initiative that emerged from the Conference. To that end, the Panel has requested the Secretary-General to undertake the following:

(a) Take the necessary steps to launch and operationalize the technology bank, including preparing a host country agreement, and inform the General Assembly accordingly;

(b) Establish a trust fund with the necessary flexibility to attract voluntary funding from Member States and other stakeholders, including the private sector and foundations;

(c) Mobilize organizations of the United Nations system and other international and regional organizations to support the launching and operationalization of the bank and its effective functioning;

(d) Encourage the principal stakeholders to extend generous support to the bank during its initial phase and beyond.

V. Conclusion

83. In line with the recommendations of the Panel, the Secretary-General is of the view that the timely establishment of the technology bank for the least developed countries as a critical instrument for creating a strong and viable science, technology and innovation base in those countries and for integrating science and technology into all spheres of their activities could assist in eradicating widespread poverty, removing daunting structural constraints and unleashing structural transformation, sustained growth and sustainable development, while protecting the planet.

84. The 2030 Agenda for Sustainable Development and the Addis Ababa Action Agenda of the third International Conference on Financing for Development both incorporate a recognition of the relevance of and the need for the technology bank. The 2030 Agenda sets an ambitious target to fully operationalize the technology bank and science, technology and innovation capacity-building mechanism for least developed countries by 2017. That deadline provides a strong impetus to conclude the work relating to the establishment of the bank in a timely manner.

85. The Secretary-General welcomes the offer of the Government of Turkey to host the technology bank for the least developed countries.

86. The Office of the High Representative will continue to provide substantive support and to assist the coordination of the United Nations system entities for the operationalization of the technology bank.